

The Laws Introduced by the Syrian Regime to Control Real Estate Ownership and Lands Before and Since the Beginning of the Popular Uprising in March 2011

The Laws Principally Target Three Groups: **12 Million** Forcibly Displaced Persons, **112,000** Forcibly Displaced Persons, and Half a Million Victims Who Have Yet to be Registered as Dead in the Civil Registry



Thursday 25 May 2023

The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyzes in Syria.

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I. Introduction

The complex issue of real estate ownership in Syria has suffered from decades-long negligence by the country's leaders, one of the effects of the authoritarian nature of the power-hungry ruling regime in Syria whose sole priority has been to strengthen and tighten the grip exerted by its own iron fist. This is why analysis of the regime's approach to the issue of real estate in the decades that it's been in power gives a clear idea of the regime's philosophy in dealing with not only this subject but the full spectrum of issues in Syria in all their various details and aspects.

The Syrian regime has taken full advantage of its absolute control over the legislative and judicial branches of government. Through the People's Assembly of Syria, for instance, the regime is able to pass whatever laws it wishes, in addition to exerting total control over the constitutional court. Moreover, the head of the Syrian regime has the power to issue any decree he pleases without having to go through the aforementioned People's Assembly, which we touched upon in great detail in [previous reports](#).

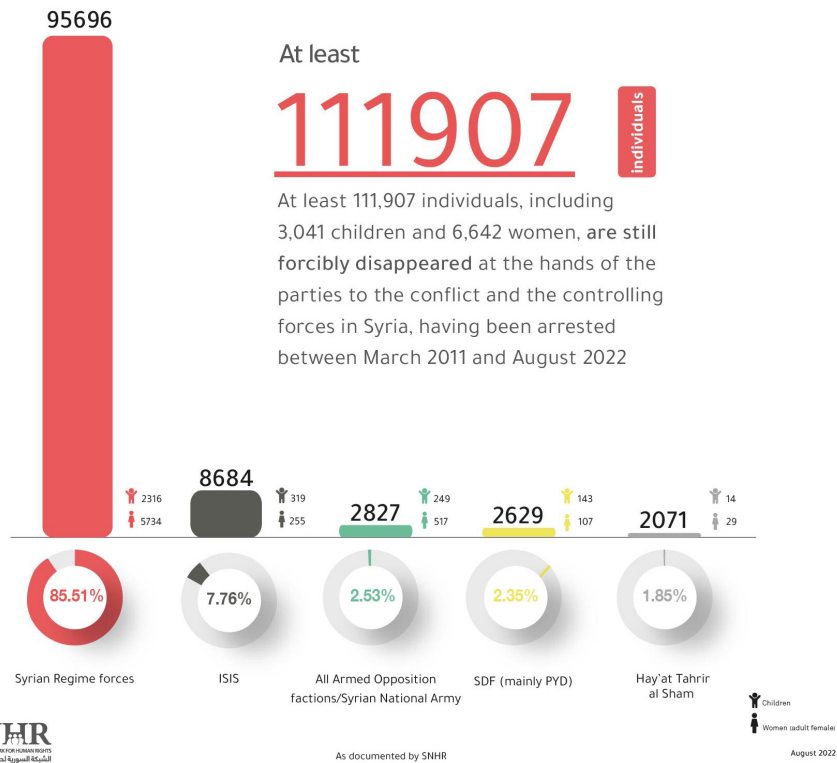
While many theoretically legitimate decrees and laws related to property ownership came into effect before the start of the popular uprising in March 2011, the ones with the most serious and dangerous effect on the Syrian people's ownership of real estate were all introduced since the uprising began. This is why the task of reading, following, and monitoring the imposition of these laws is inescapably and crucially important, in any effort to analyze and demonstrate how this legislation is used to seize properties and lands belonging to Syrian citizens, who've found themselves victims of these blatantly unjust and abusive laws that have been passed and implemented by force with no regard for the principles and standards of human rights, as we'll show in this report.

While the laws passed by the regime can theoretically be used against every single Syrian citizen, we, at the Syrian Network for Human Rights (SNHR) believe that these real estate laws were directly and principally targeted at three main groups.

First: The forcibly displaced (both internally displaced persons (IDPs) and refugees), estimated today to number 12.3 million Syrian citizens according to the UN High Commissioner for Refugees (UNHCR).

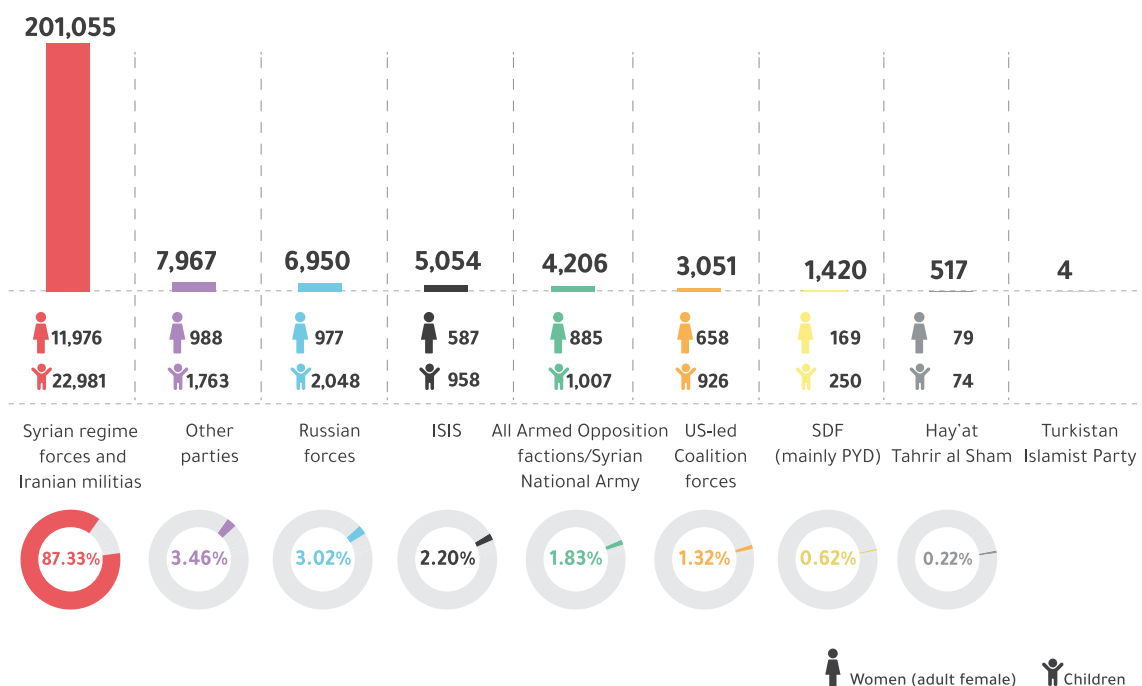
Second: The forcibly disappeared, estimated to number at least 112,000 Syrian citizens. It is also important to note that the Syrian regime is directly responsible for the disappearance of over 85 percent of this total at least, amounting to a minimum of approximately 95,000 Syrian citizens, including 2,316 children and 5,734 women, as shown on the following graph¹:

1. Syrian Network for Human Rights (SNHR). (2022). The 11th Annual Report on Enforced Disappearance in Syria on the International Day of the Victims of Enforced Disappearances; the Number of Victims Is Rising. In Syrian Network for Human Rights (SNHR). Retrieved May 9, 2023, from <https://snhr.org/?p=58371>



Third: Victims (civilians and fighters alike), who are estimated today to number at least half million Syrians, the overwhelming majority of whom have not been recorded in the civil registry as having died. Needless to say, the overwhelming majority of the victims were dissidents opposing the Syrian regime's rule and were killed at the hands of the regime, which has continuously committed violations against the country's people since March 2011. The graph below illustrates the death toll of civilian victims according to SNHR's database. It has been well-established that the Syrian regime itself is directly responsible for the killing of approximately 87 percent of all victims, amounting to 201,055 in total.

The death of **230,224** civilians at the hands of the parties to the conflict and controlling forces in Syria from March 2011 to March 2023



The crucial issue here is that the overwhelming majority of the victims have not been registered as dead by the official state apparatus concerned with such matters, namely the civil registry office. The Syria regime has controlled the matter of issuing death certificates in such a ruthless manner, that most victims' families have been unable to obtain death certificates for their loved ones, whether these family members were killed by the Syrian regime or the other parties to the conflict. The same applies to the victims among the missing and forcibly disappeared persons. In reality, the Syrian regime has only issued death certificates for those who meet the criteria dictated by the regime and its security apparatus, an issue that we touched upon in many past reports, in which we explained that the Syrian regime forces victims' families to sign statements prepared by the security apparatus which state falsely that their loved ones were killed by "armed terrorist groups", instead of the Syrian regime; only after signing these documents are they allowed to receive death certificates for their deceased family members. The Syrian regime has not launched any judicial investigations into the causes of the death of hundreds if thousands of Syrians, nor has it held any member of its security or military forces accountable for their involvement in the crimes of murder.

Through constant monitoring, we have been able to document three of the methods adopted by the Syrian regime to ensure limited documentation of a small number of its victims who were killed during detention, or who had been forcibly disappeared and were killed later. We have expanded on those methods in a report released on August 19, 2023, entitled, ['The Syrian Regime, Through Its Security Services and State Institutions, Controls the Incidents of Registering the Deaths of Victims Killed/'Disappeared' in the Armed Conflict Since March 2011'](#).

It is worth noting that the vast majority of victims' families are unable to obtain death certificates from the Syrian regime, for fear of linking their name with that of a person who was detained by the regime and killed under torture, which implies that the family member had been a dissident who opposed the Syrian regime, or of their loved one had been registered as a 'terrorist' if they were wanted by the regime security services. Additionally, many victims' families have been forcibly displaced outside the areas controlled by the Syrian regime.

On August 10, 2022, the Minister of Justice in the Syrian regime government issued [Circular No. 22](#) specifying the procedures for the conduct of proceedings related to registering deaths at Sharia courts. The circular included new conditions stipulating that five items of evidence must be submitted to and approved by the relevant judges in proceedings related to registering a death. It also requires that all relevant courts involved in death registration cases comply with the circular's content. The circular also imposed security clearance on judicial authorities to register death cases, increasing the security services' intrusion in this process. We issued [a report](#) in which we analyzed the constitutional and legal violations contained in this circular's text and the consequences thereof.

To draw a real and accurate image of the intricacies of the real estate issue in Syria and its current and future impact on the country and its citizens, we, at SNHR, deemed it would be best to trace the issue back to its historical roots and follow its progress in chronological order up to the most recent developments, focusing particularly on the period since the start of the uprising in 2011. In this report, we attempt to present a comprehensive legal analysis of the factors and context that shape this issue, and the most recent relevant laws issued by the regime in relation to this matter, together with explanations of the purpose of every single article of law or legislative item related to the real estate issue. We have even gone further than this, highlighting the link established by the regime between the real estate issue and the legal establishment since March 2011 in service of its own projects. To this end, we include many details about the current and projected long-term outcomes of the different articles of legislation and decrees, and their relation to one another and impact on the real estate issue as a whole. In preparing this report, we've also tried to monitor and assess the consequences, both direct and indirect, of the laws promulgated by the Syrian regime for the Syrian people in general, and for the three aforementioned groups in particular. We have made this decision for a number of reasons which we will outline in their proper context. In any case, however, we have structured this report in this way with one predominant and primary goal in mind: to draw a clear image of the nature of the real estate issue and the regime's attempts to seize the Syrian peoples' lands and properties. As such, this report is primarily intended to expose the Syrian regime's agendas in regard to the real estate ownership issue and its attempts to control and manage this entire field. We are also planning to prepare another report focusing on other parties' efforts in relation to the same issue.

This report consists of an introduction, six chapters, and a conclusion, followed by a number of recommendations. Below is a breakdown of the report's contents:

I. Introduction

II. Basic Concepts About Real Estate Ownership Generally and Real Estate Ownership in Syria Particularly

- A. Introduction to the real estate registry
- B. How real estate ownership is documented and protected in Syria

III. Critical Reading of the Laws and Regulations Promulgated by the Syrian Regime Before March 2011

- A. Critical reading of the 'Law on Urban Planning', issued in accordance with Legislative Decree No. 5 of 1982
- B. Critical reading of the 'Law on Real Estate Development and Investment' (Law No. 15 of 2008)
- C. Critical reading of Law No. 33 of 2008 (on establishing ownership of already built real estate and the unconstructed parts of real estate)

IV. Laws on Real Estate Development in Syria post-March 2011 and Their Implications on Real Estate Ownership

- A. Critical reading of Law No. 25 of 2011
- B. Critical reading of Legislative Decree No. 66 of 2012 that established two redevelopment areas in the confines of Damascus governorate
- C. Law No. 23 of 2015 on 'The Implementation of Urban Plans and Urban Construction' another attempt by the state to seize citizens' properties
- D. Law No. 10 of 2018 is the most dangerous law regarding Syrians' properties
- E. Legislative Decree No. 237 of 2021 on 'The Regulation of al-Qaboun and Harasta'
- F. The dangers posed by the regime's regulatory plans to private real estate properties

V. Laws Related to Real Estate Transactions and Registries

- A. Law No. 11 of 2011 on 'The Rules of Non-Syrians' Proprietary Rights in Syria'
- B. Legislative Decree No. 43 of 2011 on 'The Lands Located in Border Areas'
- C. Legislative Decree No. 11 of 2016 on 'The Suspension of Registering Proprietary Rights'
- D. Legislative Decree No. 12 of 2016 on 'Accepting the Digital Version of the Events of Transferred Proprietary Rights from the Real Estate Cadastre as Having an Evidential Character'
- E. Law No. 33 of 2017 on 'Regulating the Reformation of a Missing or Destroyed Real Estate Document'

VI. Laws With Indirect Implications on Real Estate Ownership Rights in Syria Since March 2011

- A. Legislative Decree No. 40 of 2012 'Law on Removing Building Violations'
- B. Implications of Law No. 19 of 2012 (Counterterrorism Law) on real estate properties
- C. Implications of Law No. 22 of 2012 (the legislation establishing the Counterterrorism Court)
- D. Implications of Legislative Decree No. 63 of 2012 for 'Conferring the Authority for Provisional Seizure of the Assets of Individuals Accused of Terror Crimes on Officers of the Law'
- E. Implications of Legislative Decree No. 25 of 2013 on 'Allowing Notifying through Newspapers due to Extraordinary Circumstances in the Real Estate Issue'
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- G. Reading of Law No. 35 of 2017 on 'Amending the Mandatory Military Service Law Passed in Accordance With Legislative Decree No. 30 of 2007'
- H. Reading of Law No. 1 of 2018 on 'Building a Pathway Around the Ein al-Fija'

- I. I. Implications of Law No. 3 of 2018 on 'Removing the Rubble of Damaged Buildings Under Laws Providing for Their Demolition
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- L. Effect of the 'Law on Real Estate Sales Tax' (Law No. 15 of 2021)

VII. The Instruments Used by the Syrian Regime to Control Lands and Real Estate Properties

- A. The Syrian regime takes advantage of the widespread destruction inflicted
- B. Impact of the incomplete civilian documents issue on the real estate issue
- C. C. Denying Kurds Syrian nationality and the implications of this on their rights to real estate ownership
- D. D. Attempts to take advantage of the difficulties faced by Syrian women as related to the issues of ownership and residence, in order to usurp their rights
- E. E. Manufacturing the security clearance issue

VIII. Conclusions and Recommendations

In order to achieve the purpose of this report, we used a twofold methodology composed of legal inference and statistical analysis in an effort to monitor and prove the legal violations committed by the regime, even of the constitution formulated by the regime itself in 2012.

This report draws in the main upon legal and legislative sources provided by the legislative and judicial authorities in Syria, which make up the primary reference materials in compiling the report. In doing so, we analyzed the legal discrepancies and violations perpetrated by the regime in its effort to establish a new reality in Syria. We've also used many figures, as well as statistical data, and live accounts taken from the database developed by SNHR over the course of the past 12 years.

II. Basic Concepts About Real Estate Ownership in General and Real Estate Ownership in Syria

A. Introduction to the real estate registry

Gaining a good understanding of the issue of real estate ownership and its problematic aspects in Syria first requires an understanding of some basic related concepts, the most important and fundamental of which is the real estate registry, which can be defined as "the set of documents detailing the description of every piece of real estate, its legal status, and the rights and obligations binding every real estate owner, as well as the transactions and amendments related to every item of real estate."² The real estate registry, one of the oldest such archives introduced in Syria's modern history, was introduced in accordance with resolutions 188/189 adopted on March 15, 1928, and has been utilized ever since up to the present day, even though it has undergone many changes, or, more accurately, distortions, as we will explain in greater detail shortly.

The real estate registry comprises the property record and complementary documents (the journal, boundary marking and registration records, cadastral maps, aerial photos, survey fees, and documentation papers) for each piece of real estate. Previously, one could consider the real estate registry one of the most reliable legal registries for preserving a record of real estate ownership; this was the case throughout Syria's history, mainly because this system represented a simple way to clearly document the owners or tenants of any piece of real estate, which was grounded in accurately mapping all pieces of real estate in Syria based on cadastral maps which are preserved in the Cadastral Department of each Syrian governorate.

Added to this is the concept of the public availability of the real estate registry, which made it as significant as the civil registry, since no real estate transaction can be done without it, whether the owner is moving, selling or transferring ownership, without this being publicized and registered in the real estate registry.

Over time then, the public availability of the real estate registry ensured a sense of public trust in real estate ownership records and transactions and the legal consequences thereof for anyone wishing to sell or buy a piece of real estate. All cadastral maps and real estate records are wholly within the confines of the public records, meaning that anyone can access the documents for the cadastre or plans for a certain piece of real estate in the presence of an employee in the relevant government department. From the earliest days in the modern history of the Syrian state, the real estate registry was viewed as a safe and trustworthy system for anyone wishing to document and protect their ownership of their properties. As mentioned earlier however, this situation has, unfortunately, changed for the worse, with the real estate registry losing its trustworthy status and value in the eyes of the Syrian people. This is why we need to document the main milestones which the real estate registry in Syria has passed through in the timeline of its development which, in turn, will enable us to gain an understanding of the methods employed by the Syrian regime since March 2011 to take control of citizens' real estate properties. These milestones are:

2. Article 1 of Resolution No. 188 of 1926 'Law on the Civil Registry and its Amendments in Syria'. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=16256&ref=tree&>

- **First milestone:** The real estate law was introduced in accordance with resolutions 188 and 189 on March 15, 1926, during the French mandate on Syria. This legislation emulated that in European states, particularly the French and the Swiss real estate laws, with the French authorities of the time keen to identify and categorize ownership of real estate properties.
- **Second milestone:** During the first stage of Syrian independence, when the Syrian Civil Law was promulgated, conferring the status of an absolute evidentiary character on real estate records in the eyes of the judiciary. The law also sorted real estate properties into five categories, the most notable of which are the 'Amiri' (Princely) estate, and private real estate; this system was further codified in the 1950 Syrian Constitution that addressed public and private real estate properties in Article 21, which states, "The State, legal persons and individuals have the right of ownership, subject to the limitations provided by the law." The same constitution also regulated the issue of foreign buyers' property ownership rights and the conditions placed on this, as well as detailing private ownership and how this could be realized and exercised. The same constitution also stated that no one can exercise their private ownership in a way that conflicts with the public interest, while compulsory purchase for the public benefit is permissible so long as the owner receives fair compensation determined by the law.
- **Third milestone:** This came with the adoption of the laws on 'Nationalization and Agricultural Reform' in 1958. These laws were amended after the enactment of the Martial law in 1963, which suspended many previous laws, including those related to real estate ownership and the real estate registry. In effect, the martial laws enabled the regime that seized power in 1963 to seize whatever pieces of real estate it wanted under the pretext of benefiting the Baath Party's 'revolution'.³
- **Fourth milestone:** This was the start of a new stage in Syria's modern history with Hafez Assad seizing power in 1970. This period was marked by Hafez Assad passing more laws of an ostensibly socialist nature, which were in reality introduced to enable a small clique of Hafez Assad's loyalists to seize publicly and privately owned properties. It was in this context that Law No. 20 of 1983 ('Law on Expropriation') was introduced; like all the laws introduced during this period, this legislation used quasi-socialist language to provide a façade of egalitarianism, but fundamentally these policies were introduced to ensure that the means of production were now wholly owned and controlled by the regime's inner circle. A previous article of legislation, Law No. 111 of 1952 (known as the 'Traditional Lease Law') also helped massively in contributing to a dangerous proliferation of irregular structures constructed without any concerns for regulations or safety during this period with the implicit support of the governing authorities. This new reality complicated the legal issues surrounding real estate ownership, and made it virtually impossible to acquire an official, legal permit to build homes. Throughout Hafez Assad's 29 years in power up to his death in 2000, the regime did not hide its support for the growing phenomenon of irregular construction and illegal seizure of real estate through its lenient attitude towards legal violations and land theft, as well as towards anyone constructing residential buildings with no permit, especially if those responsible were known for their loyalty to the regime and its military and security apparatus.

3. "1. Real estate is divided into the categories of: privately owned, amiri, attached lands in abeyance, protected lands in abeyance, common lands in abeyance.

2. Privately owned: Those items of real estate that can be subject to complete and full ownership, and is located in the administratively designated areas.

3. Amiri: Those items of real estate owned by the state, which are subject to the right of disposition.

4. Attached lands in abeyance: Those items of real estate owned by the state, which a group has the right to use, where the privileges and scope of such use are determined by local customs or administrative systems.

5. Protected lands in abeyance: Those items of real estate owned by the state, governorates, or municipalities, which are part of the public properties."

6. Common lands in abeyance or dead lands: The amiri lands owned by the state which are not designated or demarcated, the first individual or entity to occupy this land can obtain a permit from the state to gain privilege under the conditions specified in the state properties systems." Article 86 of the [Syrian Civil Code issued in accordance with Legislative Decree No. 84 of 1949](#).

- **Fifth milestone:** This is one of the main milestones to be expanded upon in this report, due to its being particularly crucial in regard to the real estate issue. This arguably occurred in 2000 when Hafez Assad died, effectively passing the throne to his son Bashar, whose blatantly unlawful takeover was an explicit coup d'état against the Syrian constitution whose terms expressly prohibited the phenomenon of hereditary political power or rule; this period also saw the re-allocation of interests among the oligarchs loyal to Bashar Assad, who apparently believed that this new geopolitical map required new real estate laws, particularly and most notably, the law on 'Ownership of the Lands of Beneficiaries of Agricultural Reform' (Law No. 61 of 2004), the law on 'Foreigner Ownership' (Law No. 11 of 2011), the 'Law Regulating Lease' (Law No. 6 of 2001), and the 'Law on Real Estate Development and Investment' (Law No. 15 of 2008), among many others.
- **Sixth milestone:** This will also be a focal point for this report, since it came after the start of the popular uprising against Bashar Assad's regime in 2011, with this period seeing the regime adopt numerous laws that aimed to enable the regime to seize agricultural lands and real estate properties. A point that bears repeating is that the Syrian regime can pass and adopt whatever laws it wishes, thanks to its full control of the People's Assembly of Syria, while Bashar Assad can issue any decrees he wishes without facing any questions or even mild criticism. The three branches of power in Syria are not separated, which violates the constitution written by the current regime in 2012.

Before moving on to discuss other laws promulgated by the Syrian regime and their implications, it is also necessary to briefly go over the forms of documenting real estate ownership, which will enable the reader to understand the mechanism introduced by the Syrian regime through which it aims to nationalize and seize real estate properties belonging to Syrian people, especially regime dissidents, under different pretexts and on various grounds.

B. How real estate ownership is documented and protected in Syria

Whilst some might imagine that it's meaningless to speak about real estate ownership in Syria, in light of the repeated and constant infringement of the clear and established legal texts, it's also true that earlier Syrian governments enshrined ownership rights in legislation such as Legislative Decree No. 84 of 1949 (Syrian Civil Code), particularly Articles 768/771, part of which states: "An owner of an object shall have the right to use, utilize, and exercise their ownership of said object to the extent of the law."⁴

Another of these articles states, "The owner has the right to the ownership of the land; this shall include what is above and below the land in question, and the right to utilize and enjoy the land in question in its depth and overhead spatial space. The owner of an object has the right to ownership to all of its fruits and products. No one shall be denied their right to ownership unless in cases determined by the law, and

4. Article 768 of the Syrian Civil Code issued in accordance with Legislative Decree No. 84 of 1949. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=12162>

in the manner determined by the law, and with a fair compensation.”⁵ In other words, this law clarified the public right of every Syrian citizen, who has the full right to exercise his or her ownership of their property, which cannot be taken away without a legal cause and, without the provision of fair compensation. Sadly, however, this article lost its legal authority in later constitutions. Hafez Assad, in fact, broke those laws after taking power and conferred upon himself many privileges in the 1973 Constitution that effectively enable him and his regime to take over real estate properties under different pretexts and on various grounds.

The Syrian regime’s approach to real estate ownership has not changed since the start of the popular uprising in March 2011 or with the promulgation of the 2012 Constitution, which could realistically be described as a new coat of paint over the 1973 Constitution, as it contains only superficial amendments, in what was an obvious attempt by Bashar Assad to mislead international public opinion and create an illusory image of democratic reform. The 2012 Constitution failed to properly address the issue of real estate ownership rights, which received only a couple of cursory mentions, first in Article 15: “Collective and individual private ownership shall be protected in accordance with the following basis: 1. General confiscation of funds shall be prohibited; 2. Private ownership shall not be removed except in the public interest by a decree and against fair compensation according to the law.”⁶ Meanwhile, Article 16 states, “The law shall determine the maximum level of agricultural ownership,” while Article 17 states that “The right of inheritance shall be maintained in accordance with the law.”⁷

Unsurprisingly, the Syrian regime has shown no respect for the articles and rules specified in its own constitution. In this report, we will touch upon many cases in which regime security forces and pro-regime militias have blatantly seized properties and forged real estate records to take control or seize ownership of lands and properties belonging to individuals in the three categories mentioned in the introduction.

It is also important to shed light on another aspect of the real estate issue related to the patterns seen in the process of documenting real estate ownership in Syria; on examining these, one discovers that these have not changed much throughout Syria’s modern history since independence, with Syrians, to this day, using one of the following legal methods to document ownership of their real estate properties:

First: The most common method for documenting real estate ownership is by doing so in the real estate registry. This is the strongest form of documenting ownership in Syria. It is commonly known in Syria as the ‘al-Tapu al-Akhdar’ (The Green Deed). This is an officially established confirmation of ownership according to the real estate registry and the Syrian Civil Code.

5. Article 769 of the Syrian Civil Code issued in accordance with Legislative Decree No. 84 of 1949. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=12162>

6. Article 15 of the 2012 Constitution of the Syrian Arab Republic. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15740>

7. Article 16 of the 2012 Constitution of the Syrian Arab Republic. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15740>

Second: Documenting ownership through a judicial ruling, which is done in a court of law in accordance with a judicial ruling that draws its legal power and effect from the petition document, which is then verified in the real estate registry in the name of the property owner or of the person to whom the ownership is to be transferred.

Third: Documenting ownership through a notary. While this would provide an official ownership document, its effectiveness is not reflected in the real estate registry until the transfer of the ownership paperwork has been concluded. For this reason, this method is less reliable than the previous two.

Fourth: The last method is documenting ownership through a typical contract between a seller and a buyer. Such a contract draws its legal power from the fingerprints and the signature of the two parties, and is validated by witnesses. In a legal sense however, this is the weakest method of documentation.

III. Critical Reading of the Laws and Regulations Promulgated by the Syrian Regime Before March 2011

Real estate development laws: (establishing redevelopment areas): In order to understand the laws and regulations established by the Syrian regime to deprive citizens of their documented real estate properties, it is necessary first to understand the purpose of introducing new laws or amending existing ones, both of which are done in service of the regime's policies and goals. This is why, ever since the days of Hafez Assad's rule, the Syrian regime has always attempted to enforce its own reality upon the Syrian people at every stage through continuously devising new real estate development laws and amending existing ones. In this, the Syrian regime constantly made sure that the chaotic situation of real estate ownership in the country was preserved, always seeking more loopholes which the regime and its elite could exploit to seize control of public and private properties alike. This is why the Syrian regime has, since long before the start of the popular uprising in March 2011, passed various different laws ostensibly intended to regulate the field of real estate and property ownership but in reality created to take over ownership of real estate properties across Syria. This is why it is important to return to the period before the start of the Syrian uprising to understand the legal foundation created by the Syrian regime before March 2011 and how this was employed by the regime to take over whatever properties or territory it wished to seize, as well as the most notable laws related to property ownership and real estate-related issues. These laws are:

A. Critical reading of the 'Law on Urban Planning', issued in accordance with Legislative Decree No. 5 of 1982

This decree, issued on February 23, 1982, aimed to task the Ministry of Housing and Facilities with establishing the foundations of a new urban planning system, supposedly with the goal of responding to the demands of residential communities within the capabilities available at hand, as part of a comprehensive plan encompassing the entirety of Syria. This law, which is still in effect up to the present day, plays an indirect role in obstructing and slowing the release of regulatory plans for Syria's cities and towns, because of the excessively bureaucratic structure established as a result of the decree. As a result, the already severe housing crisis in Syria has intensified, with irregular constructions becoming commonplace across Syria. The Syrian regime did try to add some amendments to this law, but these amendments could not escape its bureaucratic vision, rendering them ineffective on the ground. Despite being amended twice, the decree has not only failed to yield any solutions to the real estate issue, but has actually further complicated and exacerbated it.

B. Critical reading of the 'Law on Real Estate Development and Investment' (Law No. 15 of 2008)

When he was inaugurated as president, Bashar Assad promised to enact many economic and legal reforms with the aim of liberalizing investment in Syria, ending the state's monopoly in the country. To achieve this, Bashar Assad wanted to delude the Syrian people into believing that the regime would open the doors towards a free economy and liberate investment from the shackles of bureaucracy rather than simply using this as another tool for the Assads' self-enrichment; this culminated in Legislative Decree No. 8 of 2007, which provided for giving local and foreign investors the authority to own the lands on which their investment projects were being built,⁸ in order to attract foreign investments in general, and Gulf investments in particular. To that end, the regime issued over 160 economic decrees in the period from 2005 to 2007.⁹ It was also in this period that the regime promulgated the 'Law on Real Estate Development and Investment' (Law 15/2008) on July 9, 2008, under the claim that this showed Syria was opening to the world and the regime was liberating the economy and investment from the grip of bureaucratic administrators.

As such, the publicly announced goal of this law, according to Article 3, was to attract investments to Syria's real estate development sector, which would be achieved through the construction of proper and adequate residential complexes, and focusing on securing the housing needs of the country's middle class or 'limited-income people' as they were called, while also radically resolving the irregular construction issue in Syria and replacing these unsafe structures with new urban complexes, while establishing new residential cities and districts close to the center.

8. Matar, L. (2016). *The Political Economy of Investment in Syria*. Palgrave Macmillan.

9. Beshara, A. (2017). *"al-Jaysh wa-al-siyāsah: Ishkālāt Naẓariyat wa-namādhij 'Arabiyah"* [The Military and Politics: Theoretical Issues and Arabic Case Studies]. Arab Center for Research and Public Studies.

The Syrian regime promoted a narrative according to which this new law would be the ideal solution to the housing crisis, and would remove the areas of irregular, unsafe structures. One of the main outcomes stated in the law was to form a central committee known as the 'General Commission for Real Estate Development and Investment' whose goal would be to regulate the real estate development sector in Syria and serve as a communication channel for foreign partners for this purpose.

Article 6 of this law gave the board of directors of this new Commission many duties and powers, including the authority to submit proposals for real estate development zones under the rules of this law and to propose potential expropriations of pieces of real estate or parts thereof to establish real estate development zones. Article 10 of the same law gave the commission the right to propose the demolition, reconstruction, rehabilitation, and renovation of existing residential areas. Such powers were effectively a gift from the regime to many of its loyalists who now have absolute power to pick and choose whichever locations they want to seize and expropriate, and who can now also demolish residential communities under the pretext of their being irregular. Many members of the regime elite have already used this law as a tool to extort the residents of irregular, unplanned areas in return for turning a blind eye to the structural irregularities in those areas, especially since the start of the popular uprising in 2011.

One prominent case related to the implementation of this law is that of al-Haydariya area in Aleppo, which has been subjected to massive destruction and displacement since 2011 due to its residents' anti-regime stance. In al-Haydariya, the regime took advantage of the residents' flight to carry out widespread and systematic demolition there. Even worse, the regime claims it has already begun a real estate development project in the area, which is accepting investment bids in partnership with the General Commission for Real Estate Development and Investment.

This is why the Syrian regime is keen to prevent those who have been displaced and want to return to their real estate properties in al-Haydariya from doing so. To that end, the regime consistently and strictly refuses any permit requests from the residents of the area to renovate and rebuild their properties. Even worse, the Syrian regime has demolished a number of residential buildings and apartments in al-Haydariya neighborhood on the pretext of their being uninhabitable. Those demolitions began at the start of 2016 and continued until 2020 under the pretext of carrying out real estate development projects.¹⁰

The regime has taken great advantage of the decisions issued by the General Commission for Real Estate Development and Investment. It is worth noting that the commission has failed to take any steps to ensure the material rights of property owners in the area. In fact, many real estate properties have been unjustly expropriated, with the residents' physical absence routinely used as a pretext to approve demolitions "due to the absence of the owner".

10. "*Inhā' al-marḥalah al-ūlā li-maṣhrū' al-taṭwīr al-'aqrī fi minṭaqat al-Ḥaydariyah bḥlb-fydyw*" [First Stage of the Real Estate Development Project in al-Haydaraiya Concludes (Video)]. (2020, July 1). Syrian Arab News Agency (SANA). Retrieved May 9, 2023, from <https://bit.ly/42gPOap>

The first stage of the so-called 'real estate development project' commenced in the al-Haydariya neighborhood, covered an area estimated at 28 hectares, most of which was expropriated in accordance with Article 11 of this law, which explicitly states that the Minister of Public Work and Housing has sole authority to propose expropriation decrees regarding pieces of real estate he wishes to expropriate, whether in the form of private ownership or as a 'waqf' (mortmain) ownership or any other form of ownership, as soon as he issues a notification that the piece of real estate in question is required. This article also enables the regime government's Prime Minister to violate waqf real estate and even pieces of real estate owned by individuals and buy them at extremely low prices. Moreover, the same article allows for transferring the ownership of all real estate properties in the area in question from their original owners to the commission, together with the right to record this transfer in the real estate registry without informing their original owners in case they could not attend to their properties, a status which currently applies to most of the Syrian people. Even more, the law makes the administrative bodies the main owner of any residential complexes to be built in the future, and even allocates a percentage of the shares in ownership to these bodies. Paragraph D of Article 11 states that 'waiving of the ownership of public structures, roads, squares, and public parks, and infrastructure to the administrative body shall be complementary.' This means that no individual or corporate entity has the right to demand reimbursement from the regime's administrative bodies in the event that the said bodies have expropriated any properties whose seizure they deem necessary. This also means that public buildings, such as schools, municipal buildings, roads, public squares, public parks, and infrastructure will all be deducted from the shares of the owners and granted to the municipality or governing authority for free without incurring any obligation for compensation.

Furthermore, Article 16 of the same law splits divided lands that emerge from the regulation of a real estate development zone into three main categories: public construction, services, and residential.

Ownership of properties in the first category goes to the relevant bodies, for free. In this context, "relevant bodies" means the municipality or governing authorities, which are recorded in the real estate registry under the name of the Syrian Arab Republic, while the ownership of the other two categories is transferred to the real estate developers under a contract with the concerned administrative body.

Accordingly, Articles 11 and 16 of this Law give the administrative body the right to expropriate large areas of land from owners' properties free of charge and without any requirement for payment of fair compensation, which, in principle, conflicts with Article 15 of the Syrian Constitution written by the ruling regime itself: "Private ownership shall not be removed except in the public interest by a decree and against fair compensation according to the law." Assuming, for the sake of argument, that the removal of this private ownership was done for the public interest, one can only ask where the "fair compensation" stipulated in the second half of that constitutional legal text disappeared to?

Additionally, Paragraph G of Article 20 might seem, on first sight, to be in favor of the people; it states that in the event that a real estate development project is launched in an irregular area, the real estate developer is obligated to secure adequate alternative housing for the residents of the area in question, with real estate developers also supposed to submit proposals for any such projects guided by social surveys conducted by the administrative body, which should be applicable at the time when the area was declared a real estate development zone. Meanwhile, according to the legislation, the social survey process mentioned in the article should be conducted on the basis of carefully measuring and surveying the areas in question with the knowledge of the residents and occupiers of the real estate properties there at the time when the area was declared to be suitable for real estate development; this is to be done, the law states, for the sake of compensating these residents with adequate housings or proper alternatives. In reality, however, the regime uses the phrasing “the occupiers of the real estate property at the time when the area was declared for real estate development” to swiftly seize the residences and real estate properties it’s targeting.

For these purposes, the Syrian regime has excessively exploited this article in the period since 2011 in Syria, especially with the rising numbers of the displaced persons, forcibly disappeared persons, and unregistered victims (the three most intensively targeted groups). The regime has seized innumerable pieces of real estate and properties owned by forcibly disappeared persons or detainees. Article 20 of this law, and other similar articles, are particularly dangerous since they directly affect members of all three aforementioned groups.

The Syrian regime has also exploited this article to seize the properties of people detained in regime persons as will be explained later.

In reality, discussing the feasibility or applicability of this article or its amendments, whether as part of this decree or other decrees, is simply preposterous, because it will necessarily lead to the marginalization and deprivation of the rights of millions of Syrians.

Predictably, however, the Syrian regime has not hesitated to take advantage of the enforced disappearance of millions of property owners to carry out massive demographic engineering in these areas since March 2011, with its strategy rooted in expelling regime dissidents and supplanting them with regime loyalists. The regime actually conducted social surveys when the owners of those properties were absent due to the internal armed conflict. Worse, the regime is fully aware that many of the pieces of real estate in the areas that joined the uprising against the regime were not registered in the real estate registry, which directly and immediately necessitates that the former residents of those areas have lost any right to their properties because of their fleeing regime bombardment and persecution, and their inability to show any ownership deeds, especially since their only proof of ownership was in their residency there, meaning their presence in the residence in question when the last social survey was conducted. In this event, the right to residence is assigned to the current resident or the occupier who happens to be there at the time of the latest survey. This is how the regime also exploits social surveys to transfer the ownership of residences from their original owners to foreign regime allies who have simply moved in and occupied these residences when their rightful original owners were absent. In short, the right to ownership was stripped from anyone who was absent at the time of the latest survey and instead given to regime loyalists.

C. Critical reading of the 'Law on Establishing Ownership of Constructed Real Estate and the Unconstructed Parts of Real Estate' (Law No. 33 of 2008)

This has been one of the most significant laws on real estate in Syria. It was expected that it would help address the issue of irregular residences. At the time of its promulgation, the regime asserted that this law would solve the issue of irregular residences and areas violating the relevant legislation. According to Article 2 of this law, the law's objective is to "establish the ownership of constructed real estate and the unconstructed parts of real estate in a specific residential complex in a specific area designated for real estate or a part thereof by removing irregularities, correcting description, proper categorization, and amending the real estate cadastre to reflect the current status of those pieces of real state." To achieve this objective, Article 7 of this law provided for forming a judicial committee composed of five members pursuant to a decision made by the Minister. This Law gave this committee almost limitless authorities with relation to recording properties and rights, while also transferring many of the powers of the courts and executive departments to the committee. Moreover, the Article required that all courts refer all cases and lawsuits that are yet to be looked into to the committee which is now responsible for examining and settling such cases while taking the current situation into account. The article also required that executive bodies should suspend the execution of any rulings on real estate and real estate ownership and that the 'Real Estate Administration' should suspend the registration of contracts and real estate transactions once they were informed that the committee was in effect. Furthermore, the article enables the committee to decide which owners are eligible to a financial compensation for the complete or partial loss of their ownership. Per the law as well, the committee has the power to grant some funding for those who are eligible for compensation for a larger area of land with value above their allotted compensation if the owner paid the price of said land to the owner.

Article 13 gave the members allotted large compensations for the members of the committee for every final ruling the committee issues. Those compensation are to be paid from the sums incurred on the rights holders as a result of implementing the article of this Law, and those funds are to be collected by the administrative unit.

The extraordinary powers given by the regime to this committee to handle cases that have been pending for decades are absurd. The committee, according to Articles 11 and 13 of this law, has become the only body authorized to handle all cases and to document all pieces of real estate or seize them from their owners. Naturally, such powers made the members of the committee an instrument of exploitation used by the regime to seize, expropriate, and take over pieces of real estate that the regime believes to be suitable for important economic projects. In effect, this law, those articles, and this committee gave the regime the right to take over whatever it wants whenever it wants.

As a result, this law, despite the over-optimistic expectations of some people, has simply turned out to be another instrument that serves the elite circles of the regime together with the already-dated governing institutions in Syria. Indeed, this law was created specifically to frustrate the aspirations of many observers of the real estate issue in Syria who had hoped that this legislation would prove helpful in solving many of the [irregular residences issues](#), since removing irregularities, establishing ownership of properties, recording said ownership of properties in the real estate registry, removing irregularities, and releasing real estate cadastres, would actually have helped to ensure ownership rights in a legitimate and legal way. The outcome of this law was largely in diametrical opposition to those hopes, to such an extent that even the pro-regime Baath Newspaper published an article¹¹ lamenting the outcomes of this legislation, which stated: “After over ten years since the promulgation of this law [Law No. 33 of 2008], the optimism has faded away because the Law remained nothing more than ink on paper and stuck in the drawers of the Ministry of Local Administration.” It was clear, ultimately, that this law was adopted to address the status of a number of pieces of real estate in order to get the ‘Green Deed’, in order to find space to build palaces and mansions for certain influential figures. This is further damning evidence showing that real estate laws will achieve nothing positive until the legal and legislative structure founded on the absolute hegemony of the Syrian regime over the legislative body is changed. Such issues are supposed to be rectified by the Supreme Constitutional Court of Syria, but it is very apparent that the regime does not wish this reality to change, as notably confirmed by the laws issued since or to complement this legislation, especially those issued since the start of the popular uprising in March 2011, which we will touch upon later.

IV. Laws on Real Estate Development in Syria post-March 2011 and Their Implications on Real Estate Ownership

As noted above, the Syrian regime has taken advantage of the consequences of the popular uprising, which eventually devolved into an internal armed conflict that displaced millions of Syrians due to the violations committed first and foremost by the Syrian regime itself, and secondly by the other parties to the conflict, with the regime exploiting the situation in its own favor in regard to the real estate ownership issue. To this end, the regime has used the reality and aftermath of the armed conflict to attain as many long-term gains as possible, which explains its passing a slew of new real estate ownership laws. The sections below outline the most notable real estate development laws passed by the Syrian regime since 2011 and the purpose of each one.

11. “*Rghm ahmyth qānwn tthbyt mlkyh alskn al’shwā’y lā yzāl ḥbran ‘lá waraq!*” [Despite its Importance, Law on Establishing Ownership in Irregular Areas is Still No more than Ink on Paper!]. (2018, January 19). Al-Baath Newspaper. Retrieved May 9, 2023, from <https://bit.ly/3NRZGTA>

A. Critical reading of Law No. 25 of 2011

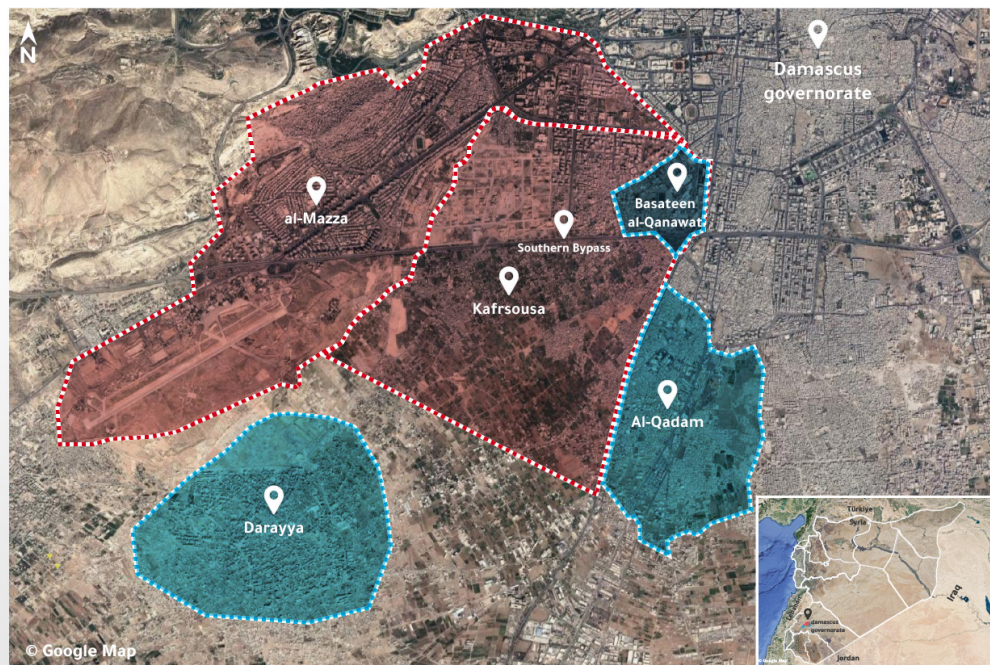
This law was introduced to complement the 'Law on Real Estate Development and Investment' (Law No. 15 of 2008). To this end, Law No. 25 of 2011 includes articles to support and regulate the work of the General Commission for Real Estate Development and Investment. This law concerns any natural or legal entity that submitted a real estate project for subscription. According to the text, the object of this Law is to regulate the process of submitting real estate projects and to invite the people to invest in these projects, as well as to regulate the work of contractors who are selling plots of land on the map, since these practices have created a fertile environment for fraud and scams, and to collect money from would-be investors without actually committing to building or delivering apartments. In reality, however, this law failed to regulate the work of contractors who were selling plots of land on the map and announcing projects for investment, or, to put it another way, the law favored state employees of local councils and municipalities, and regime-loyalist contractors. As such, hundreds of thousands of Syrians fell prey to the scams of contractors due to their pressing need to find adequate housing, on one hand, and on other hand to the state's failure to uphold its duties to secure adequate housing for citizens in various ways.

B. Critical reading of Legislative Decree No. 66 of 2012 that established two redevelopment areas in the confines of Damascus governorate

Promulgated on September 18, 2012, this is arguably the most dangerous law in this field to be adopted by the regime at its time for a number of reasons, one of which is that this decree was the first one to address the real estate ownership issue after the popular uprising devolved into an internal armed conflict. Second, this law had crucial importance in the regulation of real estate ownership since it was the first one to tackle the task of regulating large areas. In this, the regime used this decree to empty a number of areas and residential complexes of their dissident residents in favor of economic projects that serve the interests of its loyalists as part of a certain model for real estate ownership as we shall detail later. Accordingly, this legislation introduced a number of laws for this very specific purpose, which is clearly demonstrated in this decree that serves, according to the published texts, to introduce the launch of two redevelopment areas in the vicinity of Damascus governorate.

The two redevelopment areas announced as forming part of the planned reconstruction of Damascus under the guise of "redeveloping the violating areas and irregular residences" are: 1. Southeastern Mazza, including two regulatory zones, namely Mazza and Kafrsousa; and 2. The south of the Southern Bypass, including five regulatory zones: Mazza, Kafrsousa, Qanawat al-Basateen, Darayya, and Qadam.

A map showing the two designated redevelopment areas targeted by the Syrian regime through Decree 66/2012



- 📍 The first area, located in southeastern al-Mazza, contains two regulatory zones: al-Mazza and Kafrsousa
- 📍 The second area, located to the south of the Southern Bypass, contains five regulatory zones : al-Mazza, Kafrsousa, Basateen al-Qanawat, Darayya, and al-Qadam

This decree provides that properties in those zones are to be treated on the basis of common ownership among right holders according to the proprietary rights of each right holder. At the time, the Syrian regime revealed it was planning two large-scale projects in the destroyed areas specified in this decree, after those areas were almost completely vacated, thanks to the Syrian regime's strategy of effectively deporting and displacing their residents through committing many human rights violations. Indeed, those two projects came to be known as the Marouna City Project for which an area of 210 hectares was allocated, and Basilia City Project, launched in 2018 covering an area of approximately 900 hectares. As of this writing, however, those projects are still no more than ink on paper. The only part achieved to date is the displacement of the owners of the residential buildings and other properties from their homes and areas. Moreover, the affected owners are, also up to the current day, [still demanding alternative housing](#), rather than paltry rent compensation that barely covers one-quarter of the actual rent fees required to pay for their current accommodation.



Below are the most notable violations documented by SNHR in these areas between March 2011 and September 18, 2012:

In this period, the Syrian regime killed no fewer than 1,886 civilians, including 127 children and 118 women, living in these areas who were either killed in bombardments, or died under torture.

These were distributed as follows:

- In Darayya: 1,489 civilians, including 113 children and 92 women.
- In Kafrsousa: 397 civilians, including 14 children and 26 women.

SNHR has documented the killing of no fewer than 634 citizens, including four women and six children, who were residents of these areas in regime detention centers.

SNHR has documented the detention of no fewer than 8,728 Syrian citizens, including 248 women and 318 children, who were residents of these areas. Of these, 3,963 Syrian citizens, including 93 women and 142 children, are still classified as forcibly disappeared.

These areas saw also other types of violations. One example of these was an attack carried out by Syrian regime artillery forces on Wednesday, July 4, 2012, in which eight civilians, including one child and two women (from the same family), were killed by an artillery shell fired by Syrian regime forces which landed on their farm in Darayya, Damascus suburbs.

Predictably, the decrees and laws adopted by the Syrian regime failed to recognize or target the irregular residences occupied by regime supporters, such as those in areas like Ush al-Warwar, al-Mazza 86, and al-Sumariya, in what was plainly blatant discrimination clearly demonstrated by this decree. In effect, Decree 66/2012 formed part of the demographic re-engineering of the areas that opposed the Syrian regime, where the residents were supplanted by real estate projects that the regime would prefer to label as construction and development; however, this supposedly apolitical reconstruction will be carried out through firms belonging to pro-regime figures and individuals with ties to the regime's security services as a reward and compensation for their loyalty.

Indeed, after Syrian regime forces managed to recapture control of those areas, they swiftly expropriated most of the properties there and demolished a large proportion of them, promising the former occupiers and owners that they would receive alternative housing within four years. As of this writing, however, the regime's government is still stalling on the implementation of these assurances and on securing alternative housing, while the amount of rent compensation being paid to former residents still in regime areas is extremely little, and, even worse, this pathetically small amount is not even being paid out to all those displaced, but simply to a few specific individuals.

This decree, like similar ones issued during the same period, is brimful of inhumane clauses and legal loopholes, such as:

1. Failing to give owners a proper period of time to prepare and show documents proving their ownership, not to mention failing to acknowledge the practical impossibility of such a task in light of the innumerable cases of internal and external displacement and the security crackdowns on most property-owners in those areas. Furthermore, the bombardment and raids have destroyed many of the real estate records.
2. The powers given to the assessment committees, in accordance with this decree, are not properly regulated. In this, any assessment conducted is treated as being irrefutable and infallible according to Article 9 of this decree, meaning owners and residents are given no right to appeal as per this article; this has emboldened the members of those committees to abuse their powers and disregard the rights of the owners and using blackmail and bribes with impunity.
3. Using only local media outlets to notify the owners and stakeholders of the decisions that have been made is simply grossly inadequate since local media outlets have a very limited reach that certainly does not extend to the owners directly affected by those decisions, who have been forced to flee to different countries around the world.
4. The promises of securing adequate alternative housings have proved to be empty verbiage, simply ink on paper. The regime simply find different excuses for inaction every time it's faced with such demands, such as the current economic or political situation, the war on terror, etc...

C. Law No. 23 of 2015 on 'The Implementation of Urban Plans and Urban Construction' another attempt by the state to seize citizens' properties

The Syrian regime took advantage of the momentum yielded by the military Russian intervention in September 2015, which enabled the regime to take back control of large swathes of the areas, cities, and towns that it had previously lost. With the regime regaining control, the residents of those areas were displaced, giving the regime a window of opportunity which it seized on to promulgate new legislation to seize the displaced people's properties, with one of these laws being Law No. 23 adopted on December 8, 2015.

According to the law's text, its objective was to find a ground for implementing urban projects in cities through introducing redevelopment areas incorporating various pieces of real estate. This incorporation, according to the law, would constitute and be treated as a legal entity, with the pieces of real estate included being communally owned among the proprietary right holders, on the basis of a division of shares correlating to the estimated value of the real estate owned by each individual according to their proprietary rights.

From the outset, the articles of this law showed that its real purpose was to give the regime the right to seize land and properties in various ways and under different legal pretexts. Article 3 states, "In the event zones were found with existing mass violating constructions within the validated regulatory schemes, the administrative body shall have the right do the following in accordance with a decision to be approved by the executive office:

1. Implement the rules of this law with regard to the zones in question.
2. Implement the rules of Law No. 15 of 2008 on Real Estate Development and Investment and its subsequent investments based on an understanding between the real estate developer and owner, or the real estate developer and the administrative body.
3. Implement the rules of the Law on Expropriation in order to execute the regulatory scheme for this zone in a way that does not contradict with the rules of Article 15, Paragraph 2 of the 2012 Constitution."¹²

These texts effectively targeted homes and other properties belonging to Syrians, since it is widely known that most of the residences in Syria are situated within areas containing mass violating constructions. In other words, the regime gave itself the right to treat those residential areas in the way it sees fit, instead of serving the actual needs of the Syrian people. Furthermore, this law strengthened Law No. 15 of 2008, giving grounds for understandings between real estate and owners, the legal and social implications of which have already been broken down in earlier sections of this report.

12. Article 3 of Law No. 23 of 2012 on 'Urban Plans and Urban Construction in Syria'. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15732>

Moreover, Article 4 of this law gives the administrative bodies the right to expropriate any divided lands they desire without compensation: "The administrative units shall, free of charge, expropriate the material and proprietary benefits that the owner of the property would receive as a result of their property entering the regulatory zone, as well as the allocations for securing the basic services, including roads, squares, public parks, car parks, public facilities, popular residences, and private services and the increase of the purchasing value of the property in question." This means that owners of communal property must yield areas of their properties to the regime with no fair compensation. Even worse, this article considers the basic services, which, under normal circumstances, should be provided by the state to its people as a duty, to be a form of material and proprietary compensation. The article also justifies this decision by asserting that the owner of the property will actually benefit from the increased value of their property because of the new services and due to the area being included in a regulatory plan. However, this article omits to note that this will apply to all areas where similar developments are planned. In other words, any profit made from selling the property would not amount to anything due to the price increases resulting from this policy. Also, making the property owner's rights contingent upon an uncertain future result is an attempt to evade the legal obligations for paying the necessary compensation enshrined in the constitution that the regime itself wrote. This article, therefore, conflicts with an explicit constitutional text that guarantees the owners of expropriated properties the right to receive compensation from the state.

Article 5 of this law establishes that this regulatory legislation applies to all areas that have suffered natural disasters, earthquakes, or wars.¹³ Obviously, the objective of this article is to serve as a green light from the regime to its loyalists, allies, and contractors to take over the areas that saw armed clashes and incorporate said areas into its regulatory projects, carrying out further demographic re-engineering in the area in service of the ruling regime's economic and identarian interests.

However, the most dangerous aspect of this law is the great powers that the regime confers on the committees apparently established with every new article. Article 20 of Chapter 2, for instance, establishes a committee for initial assessment, granting this committee the power to demarcate and estimate the value of the pieces of real estate that are to be incorporated into the redevelopment areas. This committee also has the power, according to Article 23 of the same chapter, to "estimate the value of the lands, provided that such estimation is equal to the actual value of the property in question before the date of the issuance of the decree through which the redevelopment area was introduced, while dismissing any increase in the prices due to regulation or commercial speculation,"¹⁴ meaning that the committee can estimate the value of the taken piece of real estate or property at its lowest price, which goes against the principle of "fair compensation" established in the articles of the 2012 Constitution.

13. Article 3 of Law No. 23 of 2012 on 'Urban Plans and Urban Construction in Syria'. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15732>

14. Article 3 of Law No. 23 of 2012 on 'Urban Plans and Urban Construction in Syria'. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15732>

Furthermore, the structure of this committee is clearly a bureaucratic one that is in the regime's service far more than of the people. This is evidenced by the conditions given for the members of the committee and how they are to be selected. For instance, Article 21 of Chapter 3 stipulates that the committee is be composed of:

1. Head of the committee: Judge of the rank of an appeal advisor, to be named by the Minister of Justice.
2. Two real estate evaluation experts, to be named by the governor.
3. Two real estate regulation experts representing the owners and the right holders in the area.

In this, the regime gives more power and representation to the authorities, in the form of the judge and the two real estate evaluation experts, than to the representatives of those with the right to these properties. The regime even goes further than this, authorizing the administrative body to select representatives of the property owners in case no such representatives were elected by the owners or they failed to answer the invitation by the administrative body to elect their representatives.¹⁵ This mechanism raises questions about the requirements of the invitation announcement: how could the owners possibly know of such an invitation if it were limited solely to administrative circles or published in local newspapers, notwithstanding the additional issue that most of the Syrian citizens who own the properties in question are either IDPs, refugees, or wanted by the authorities? Moreover, while this legislation seemingly accords the rightful owner the right to appeal at the level of the initial court in their respective governorate against the ruling regarding the estimated value of their piece of property or parts thereof as assessed by the committee, strangely enough, Paragraph B of Article 25 states that such an appeal would not stop the proceedings of implementation, as any final verdict issued by the appeal court cannot be appealed. In short, any appeal by a Syrian citizen would be merely an empty formality with no actual effect.

Additionally, according to Article 28 in Chapter 3 of the legislation, the dispute resolution committee, in line with the extraordinary powers afforded by the regime to the committees in such resolutions, is relieved from "abiding by the proper procedures and deadlines established in the Procedure Law, and it shall settle the disputes submitted within the period of time determined in accordance with the decision of its formulation and in line with the capacity of its work."¹⁶ As such, citizens involved in disputes, are subject to the whims of the committee members and reliant on their questionable competency, not to mention their wishes and potential extortionate demands, to resolve these disputes.

15. Article 22 of Law No. 23 of 2012 on 'Urban Plans and Urban Construction in Syria'. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15732>

16. Article 3 of Law No. 23 of 2012 on 'Urban Plans and Urban Construction in Syria'. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15732>

This legislation also states that a fund shall be founded to pay for the reconstruction in the redevelopment area in accordance with Article 54. This fund would be financed from the profits and fees imposed on the owners, as well as the profits yielded from their properties. The legislation states that the Minister of Local Administration would authorize the members of the committee to evaluate the compensation to be paid to the members and those working to implement this law, which should be paid from the fund. This would very quickly deplete the fund, and open the door for more profiteering by the committees at the owners' expense.

In any case, the conditions in Syria are wholly unsuitable for the implementation of this law for many reasons, including the fact that the country is still ravaged by internal armed conflict, and many of the real estate owners are absent due to their detention, displacement, or the fact that they are wanted by the authorities. For these owners, it would be impossible to come and present their documentation papers and deeds, or to be present to assert their ownership rights as required by Article 18 of the Law, while the relatives of the displaced and the wanted are also justifiably fearful of persecution if they appear on their loved ones' behalf. Meanwhile, the amount of time allowed for those wishing to submit appeals is extremely brief, while the courts have the power to investigate and rule on appeals in the deliberation room without the parties in questions being present, which undermines the very idea of due and fair process, and squanders the owners' rights. Even worse, the regime has actually implemented the outcomes of this Law in both the destroyed and intact areas, treating the regulated and violated areas in the same way, with the law being used in the service of the administrative unit without any justifications provided for this, in order to, again, serve the interests of the regime and its elite to the greatest extent possible.

D. Law No. 10 of 2018 is the most dangerous law regarding Syrians' properties

1. Critical reading of the Articles of Law No. 10 of 2018

Law No. 10 of 2018 is a revised version of Decree No. 66 of 2012. As mentioned earlier, Decree 66/2012 provides for introducing two redevelopment areas in the plan for Damascus. As such, Law No. 10 of 2018 was passed to expand the redevelopment areas and generalize the rules of Decree 66/2012 to apply to the whole of Syria. Article 2 of Law No. 10 of 2018 states that this law comes as an amendment to Articles "5, 6, 8, 9, 10, 12, 13, 17, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 38, 44, 45, 51, 59, 61, and 63 of Legislative Decree No. 66 of 2012."¹⁷ The most notable amendments are:

17. Article 2 of Law No. 10 of 2018. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=19313>

Attempting to expedite the process of establishing the new redevelopment areas, while dismissing the rights of the owners of these properties. Paragraph A of the amendment to Article 5 states, "The administrative unit hereby requests from the Real Estate Administration, the Temporary Registry Directorate, or any public body with the authority to document ownerships as per its founding laws, within one week of the date of the issuance of the decree on introducing redevelopment areas, to prepare a list of names of the owners of properties that matches the real estate records or the digital record, and including the notes on the cadastres of the pieces of real estate in question." Paragraph B of the same article obligates the authorized administrative body to prepare the tables and names within 45 days of the date on which they received the notice for establishing the redevelopment area. In the simplest sense, this was an attempt by the Syrian regime to expedite the implementation of the law as seen in those amendments. This step demonstrates the Syrian regime's excessive hastiness, as if the regime wants to take advantage of the current situation of property and real estate owners among the members of the three groups mentioned earlier before the conditions change. This is further confirmed by Paragraph A of Article 6 which asserts that the authorized administrative body should publicly announce the details of any redevelopment area within one month of the date of its initial passage into law: "The administrative units shall announce, within one month of the date on which the decree to establish the redevelopment areas was passed, to [notify] the owners and persons who have proprietary rights in the redevelopment area in question, in one local newspaper at least and in visual and audio media and on the [administrative body's] website and its bulletin board and the bulletin board of the area, that they are to claim their rights. Right holders and anyone with relation to the pieces of real estate of the redevelopment area, either personally or through a trusteeship or through a power of attorney are required to submit a request to their respective administrative units within 30 days of the date of the announcement, in which they identify their chosen residence within the administrative unit while presenting documents of proof or copies thereof if any. In the event they possess no such documents, they are to mention in their request the locations, boundaries, shares, and the legal type of the real estate or of the rights they are claiming, and all lawsuits filed for or against it." A similar request is specified in Article 5 of the this law, which also aims to swiftly evade the issue of the original owners' absence by limiting the window of time available for documenting ownership to no more than 30 days.

It is important to note that it is impossible to implement the articles of this law without having a devastatingly negative effect on the lives of millions of Syrians. Article 6 of this law, in particular, eliminates members of the three aforementioned groups.

Furthermore, the regime's claim in the following paragraphs that relatives as distant as those of a fourth degree level of kinship are eligible to conduct the legal procedures on behalf of the owners is misleading. The regime is well aware that dissidents or suspects, who number in the millions in Syria's case, are afraid of giving power of attorney to their relatives in justifiable fear that doing so would endanger these family members or see them facing fabricated charges, such as 'collaborating with the armed opposition and terror groups'. Even if this major obstacle could be overcome somehow, the owners would encounter another one, namely the shameless financial extortion that every Syrian citizens knows they will be subjected to when dealing with any official paperwork related to real estate transactions. Additionally, the 30-day time window is simply not enough for a displaced person, whether an IDP or a refugee, to locate and prepare the required papers and documents.

The publicly stated objective of this law is to enable the reconstruction of areas that were destroyed by the military conflict. The actual and implicit goal, however, is to strip dissidents of their properties and redistribute these among the elite of regime loyalists by force, using the law as a tool to do so, further benefitting the regime's allies and re-engineering the demographic makeup in the service of the regime's interests. This legislation also does not specify criteria for the area it targets, nor does it set a timetable for selecting areas. All that is required, according to this law, is for an area to be designated as a redevelopment area. The regime's administrative bodies are required to submit the list of properties there to the local authorities within 45 days as mentioned earlier, after which the names of owners are announced, and anyone whose ownership was not mentioned in the lists prepared by these bodies can, theoretically at least, file a lawsuit within 30 days to the relevant local authorities. Another important item is Paragraph C of Article 10 which states that the committee is expected to complete its tasks within no more than five months,¹⁸ which, again, demonstrates the regime's sense of urgency and eagerness to establish a wholly different reality to the one before the outbreak of the uprising in 2011.

Moreover, it is essential in discussing the implementation of this law or any of its consequences in Syria to ensure that it's understood that this legislation will necessarily lead to the marginalization of millions of people in the three groups mentioned, which constitutes an unlawful action under both domestic and international laws. The Syrian Constitution, written by the regime itself, states that "Private ownership shall not be removed except in the public interest by a decree and against fair compensation according to the law;". In reality, however, the regime has disqualified the rights of those missing with no regard for its own or any other laws regulating ownership rights. The Syrian regime's persistent dismissal of the rights of the missing can be explained, before citing any other factor, by the fact that the regime itself is the party directly responsible for these citizens' forcible disappearance. These terrible figures bear repeating: the Syrian regime is responsible for over 85 percent of all enforced disappearances in the country and for the killing of over 87 percent of the victims of the conflict in Syria.¹⁹

According to Paragraph A of Article 21, the property and land necessary to enable construction of "the roads, squares, public parks, car parks, and public facilities, such as schools, police stations, hospitals, dispensaries, clinics, fire stations, places of worship 'mosques and churches', public libraries, cultural centers, facilities for archeological sites, sports playgrounds, social care centers, power stations, sewage treatment plants, drinking water stations, and community support centers" shall be expropriated, "with the public facilities being put at the disposal of public bodies with no compensation to be paid [to the original owners]. These bodies are responsible for constructing those facilities, in addition to the structures put at the disposal of the administrative units to construct housings for those who have been notified that their residences are to be demolished, as well as for limited income people, and to also to construct communal residences and cover the incurred costs." All of this is to be achieved with no compensation paid to the owners of the affected properties.

18. Article 10, Paragraph C of Law No. 10 of 2018. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=19313>

19. See [graph on the figures of forcibly disappeared persons](#), and [graph on the figures of civilian victims](#).

Paragraph C of Article 28 of this legislation also provides for the establishment of a fund supposedly set up to cover the costs of the administrative unit handling the project. According to the paragraph in question, “The administrative unit shall receive from the selling or waivering party a fraction of 0.005 of the nominal value of the total shares sold, waived, or split, and no less than 1,500 S.P. per request, in addition to all the incurred taxes and fees in accordance with the applied financial laws and regulations.” In effect,²⁰ this paragraph has introduced a new tax that was not present in older laws. This new tax is not a lump-sum one, but one incurred with every transfer of ownership between a seller and a buyer. Furthermore, the real estate registry, which the Syrian Constitution originally stated that anyone could freely have access to, can now be accessed only after paying a fee according to Paragraph D of the same article, which states, “Anyone who wishes to access information on the ownership of certain stocks from the real estate registry and to acquire a replica copy of the information shall pay a fee specified by the administrative unit.”²¹

The direct effect of the implementation of this law on any area is the forcible stripping of ownership. Any owner’s ownership is transferred in the real estate cadastre to the redevelopment area, with the rightful owner losing their ownership as documented in the real estate registry, as along with their rights as an owner, with the only choice left to them being to agree to a contract which claims falsely that they gifted, sold, or licensed the piece of real estate stolen from them. The only rights they have left are a few shares of a negligible, extremely low value, out of tens of millions of shares that the wide redevelopment area contains. In this way, large quantities of properties are forcibly turned into communal, regime-controlled real estate, with millions of people losing their status as independent owners.

Meanwhile, anyone failing to prove their ownership or to provide the necessary documents will automatically lose their right to ownership which is then transferred to the administrative unit. According to this law, if the owners failed to prove their ownership within the designated time window, then their properties will automatically be forfeited and registered as being owned by the municipality or the governorate. One of the consequences of this law can already be clearly seen right now in the form of the ‘security committees’ established by the regime. These security committees first convened on July 1, 2021, to discuss the matter of expropriating the properties of the IDPs and refugees. For instance, the security committee in Hama decided to establish sub-committees to estimate the agricultural areas and production capacity of pistachios fields in the governorate whose harvest is to be seized either because the rightful owners failed to prove their ownership of those fields, or because these owners are absent. Furthermore, preliminary lists have been released for a number of villages including the names of the owners of lands and areas that will also be appropriated. On this occasion, the regime resorted to auctions in accordance with resolution 4991 / 3 / 2 issued by the governor of Hama on July 5, 2021, pursuant to order number 169/Q/Z (169/ق/ج) issued on June 9, 2021, by the Minister of Agriculture, in accordance with the ‘Law on Public Contracts’ (Law No. 51 of 2004), which is concerned with contracts related to the properties of public/government bodies. All of this constitutes a blatant and explicit violation of Syrian law and of the country’s constitution, considering that those properties and harvests are private and no

20. Article 28, Paragraph C of Law No. 10 of 2018. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=19313>

21. Article 28, Paragraph D of Law No. 10 of 2018. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=19313>

one can seize them or claim them without their owners' consent. The decision, at the time, included lands around Latmin, al-Latamna al-Qesm al-Kharji, al-Hamra, Souran, Taybat al-Imam, M'ardes Kawkab, M'an, Qasr al-Mkharram, Kafrzita, al-Hamamiyat, Morek, and Lahaya. On August 21, 2021, the security committee issued another resolution ordering the seizure of the harvest from the local olive groves, as well as ordering that the treeless lands be rented out. Some of the subcommittees have already completed their lists and estimated the areas which will be subject to this resolution.

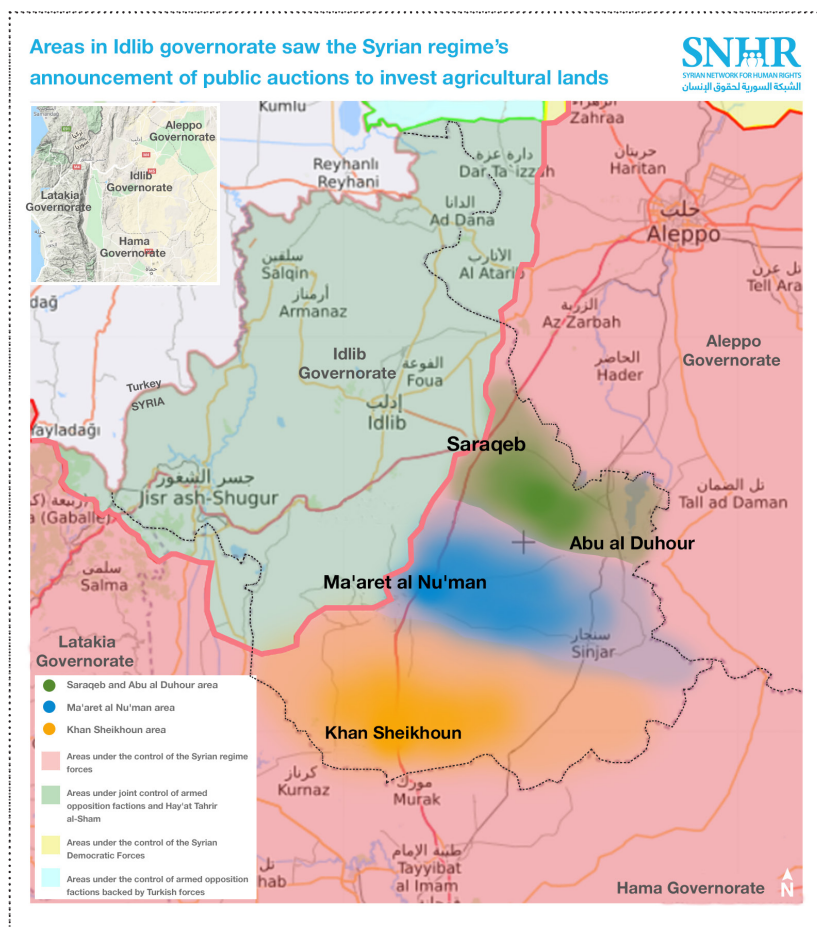
On September 29, 2022, the Syrian regime, through the General Secretariat of Idlib Governorate, [announced three public auctions of land, including agricultural lands, in the suburbs of Idlib governorate](#), most of which are originally owned by IDPs or refugees.



Auctions of this type have been another tactic used by the regime to cover its theft of IDPs' and refugees' properties and land. The regime's announcements stated that the auctions were for areas requiring agricultural investment for the 2022-23 agricultural season. The first auction of land in the Khan Sheikhoun area, was planned for October 2-6, 2022; the second, for lands around Ma'aret al-Nu'man, was set to take place from October 9-13, 2022, and the third, for agricultural land in the Saraqeb Abu al-Dohour area was set to take place a few days later, from October 16-20, 2022. According to the report, the total area of the land included in these public auctions in the suburbs of Idlib governorate amounts to at least 570,000 dunums.²²

22. Syrian Network for Human Rights (SNHR). (2022b). The Syrian Regime Announces New Auctions of Lands in Idlib Province Belonging to Displaced Persons and Refugees With the Aim of Seizing Them. Retrieved May 9, 2023, from <https://snhr.org/?p=58690>

Map showing the areas of land included in the public auctions



These were not the first public auctions of this kind. In February 2021, the regime held similar auctions with the objective of transferring the ownership of land and properties owned by IDPs and displaced persons to new regime-loyalist owners. At the time, the Syrian regime announced that auctions would be held for the sale and lease of over 440,000 dunum of IDPs' land for agricultural operations. As an earlier report published by SNHR about this revealed, no fewer than 22 announcements were made regarding public auctions of land and properties encompassing around 134 villages and towns in Hama governorate and 88 villages and towns in Idlib governorate, covering an area estimated at 400,000 dunum that includes various sections of agricultural land producing wheat, barley, potatoes, and olives, as well as lands used for livestock farming and fish farms.²³

Moreover, this law designates the redevelopment area as an independent legal entity to replace all of the owners, representing the administrative unit (governorate or municipality) that exercises all the authority necessary to implement the regime's regulatory plans and settle issues regarding properties and ownership rights in the area. After a lengthy list of procedures takes place, the ownership of all pieces of real estate is transferred to this new, nominally independent legal entity representing the redevelopment area, while the actual owners' ownership is rendered as shares in the redevelopment area. Those rightful owners can then do one of three things with these shares: focus their shares, co-found a joint-stock company, or put their shares up for sale at an auction. As soon as the project is launched, the occupiers are required to leave (in effect, a form of forced eviction), and will receive compensation amounting to a two years' worth of rent for tenants who were renting property there or four years' worth of rent for owners.

23. Syrian Network for Human Rights (SNHR). (2021). Public Auctions of Forcibly Displaced People's Lands Are Another Syrian Regime Method to Seize Its Opponents' Property in a Widespread and Deliberate Manner. Retrieved May 9, 2023, from <https://snhr.org/?p=55943>

2. The most notable dangerous implications and loopholes in Law No. 10 of 2018

First: This legislation turns the right to private ownership, guaranteed by the constitution, into a supposedly communal form of ownership, in which the regime is the only true owner, in a systematic way. The objective of this undertaking is to endow the regime with a sense of legitimacy in the form of quasi-legal legislation despite this legislation being filled with constitutional and legal violations as seen in many of the amendments included, as the regime attempts to establish a new reality in regard to the housing situation. This legislation highlights and indeed was created to enable the regime's deliberate policy of seizing vital residential areas and emptying them of their residents to create new redevelopment areas. The Syrian regime took particular advantage of the fact that many of the areas intended for real estate development have at one point been under the control of the opposition, which the regime used as a pretext to carpet-bomb these areas and empty them of their residents. To give an idea of what this means, we can look at Aleppo's al-Haydariya neighborhood and the adjacent areas between March 2011 and late 2016 when the Syrian regime took back control of the neighborhoods of eastern Aleppo. During this five-year period, the regime dropped over 952 barrel bombs on these areas, almost completely destroying them. It is estimated that approximately 50-70 percent of al-Haydariya neighborhood was totally destroyed, forcing its residents to flee to other areas. Al-Haydariya neighborhood in particular was the first neighborhood to be designated for real estate redevelopment in Aleppo.²⁴ In short, the regime took advantage of the massive destruction in the area inflicted by its own heavy bombardment and of the resulting flight by residents to take over the area and designate it as a real estate redevelopment zone in accordance with this law.

Second: The implications of the articles of this legislation will be devastating for the owners of the homes and apartments located in irregular areas, which account for 40 percent of all housing in Syria. This is because the occupiers of those houses possess no ownership documentation papers, since these structures were built on land they did not own in the first place. The only 'deed' accepted by the regime authorities from these people to prove their ownership is their current occupation of the house and their water and electricity subscriptions. Should the local municipalities invoke this law in the areas where irregular constructions are located, their owners will be unable to provide any documents proving their ownership of the property. The 30-day time window established in Paragraph A of Article 6²⁵ will not be enough for anyone to prove their ownership in the manner stipulated by the regime, while, as detailed above, appealing or trying to identify the details of the property, in case of the lack of a deed, in order to prove ownership changes nothing for the Syrian regime. Effectively, those properties will go to the state to do with as it pleases, and the state has already clarified its intention to designate those areas for redevelopment, regulation, and redistribution in collaboration with the major corporations, both Syrian and foreign-owned, being founded solely for this purpose, with those companies facing no problem in buying the shares of the owners who have no option but to sell, at dirt-cheap prices.

24. Al-Khatib, K. (2020, July 10). "*Ḥayy al-Ḥaydariyah bi-Ḥalab awwal Ḍaḥyā 'al-taṭwīr al-'aqrī'*" [Aleppo's Al-Haydariya Neighborhood the First Victim of 'Real Estate Development']. Syria TV. Retrieved May 9, 2023, from <https://bit.ly/3VIs9wU>

25. Article 6, Paragraph A of Law No. 10 of 2018. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=19313>

Third: The current conditions in Syria are wholly unsuitable to the implementation of this legislation which, even if one wished to sincerely and seriously implement it, would require a prevailing state of stability and security, under which all involved would have a fair chance at appealing and proving their rights within the specified period of time. The current situation, with regard to the real estate issue, only serves the regime's implicit goals of a demographic reengineering and consolidating properties under the hands of the regime elite in the so-called reconstruction phase. The fact that this law was passed in tandem with the waves of forced displacement in Ghouta suggests that the primary objective of this legislation was to cement this new reality and transfer the ownership of those properties to new owners in a way that serves the regime's vision and goals, despite the regime's thinly-veiled and implausible efforts to depict itself as the protector of the displaced owners' rights by passing an amendment to the legislation in the form of Law No. 42 of 2018 which states, "The administrative units shall announce, within one month of the date on which the decree to establish the redevelopment areas was issued, to the owners and persons who have proprietary rights in the redevelopment area in question, and which are not recorded in the real estate registry or other legally authorized bodies, in one local newspaper at least and in visual and audio media and the website and its bulletin board and the bulletin board of the area, that they are to claim their rights. Right holders and anyone with relation to the pieces of real estate of the redevelopment area, either personally or through a trusteeship or through a power of attorney are required to submit a request to their respective administrative unity within one calendar year of the date of the announcement, in which they identify their chosen residence within the administrative unit while presenting documents of proof or copies thereof if any. In the event they have no such documents, they are to mention in their request the locations, boundaries, shares, and the legal type of the real estate or rights they are claiming, and all lawsuits filed for or against it."²⁶

As can clearly be seen, the amendment omits any mention of how those requests are to be processed or even of which body will receive them. Assuming that this body is the administrative commission, which is an organ of the state, or the judiciary which also lack any sense of autonomy, we can safely infer that this amendment will have no effects on the course of the Syrian regime's expropriation of Syrians' real estate properties, whether those of IDPs or the refugees.

Even more preposterous is the instruction that the duties of deciding any arbitration or appeal to the administrative unit's decisions should be assigned to a committee to be formed by the administrative unit itself, as an amendment to Article 14 of this Law appears to suggest: "Within one month after the window of time specified in Article 1 of this Law has passed, the administrative unit shall form one or more special committee(s) with judicial specialty [knowledge] to look into the claims to ownership or proprietary rights. This special committee will investigate all appeals and claims to ownership, as well as property disputes in relation to the pieces of real estate included in the redevelopment area, whether or not those properties came to light during the specified window of time for claiming ownership or proprietary rights as specified in Article 1 of this Law. This committee shall receive all similar cases in the areas in question from the courts, provided that a final verdict has not been issued in court."²⁷ Simply put, these texts are pointless in a legal sense since the idea that one of the parties involved in the case can also be the arbitrator over the appeal filed by the citizen is fundamentally nonsensical.

26. Presidency of the Council of Ministers of the Syrian Arab Republic, Resolution 42/2018, issued on November 11, 2018. For more details, see: <http://www.pministry.gov.sy/contents/14227/%D8%A7>

27. Presidency of the Council of Ministers of the Syrian Arab Republic, Resolution 42/2018, issued on November 11, 2018. For more details, see: <http://www.pministry.gov.sy/contents/14227/%D8%A7>

Fourth: This law fails to specify any criteria according to which areas are to be designated as redevelopment areas, or any timetable for such designation. In reality, a variety of areas, both destroyed and intact, as well as others that are regulated and some found to be in violation of construction regulations, have already been designated as redevelopment areas, as these areas are selected on the basis of economic feasibility. In other words, the objective of this legislation is to put these lands and properties up for sale to or lease by speculative investors, with the well-resourced state acting simply as a merchant looking for bids, while the helpless citizens have no means of defending their rights in the face of the entire state. In short, this legislation aims to increase the state's and regime's wealth at the expense of the people. This law does not obligate the administrative unit in any way to clarify the reasons why it decided to designate a certain area as a redevelopment area, which means the authorities can forcibly take the properties in any areas they wish and turn it over to nominally communal ownership, also by force, to subsequently transfer the ownership to the name of the redevelopment area, while the citizens who are the rightful owners must make do with insultingly meagre 'shares', that is in the event that they can somehow prove their ownership. It should be stressed that there are no legitimate legal grounds for any move to prevent the rightful owner of a property from exercising their ownership rights to their own property, even after the introduction of such redevelopment areas. This prevention could well be considered as the most dangerous violation of the right to ownership as established in the Constitution and the Civil Code.

Fifth: The stipulation in this legislation that owners have only one year to appeal, or face ownership being automatically transferred to the administrative unit in the redevelopment area is an explicit and direct violation of Syria's constitution. What this does is to strip the citizen of his or her right of ownership with no fair compensation corresponding to the value of their property, paving the way for the regime to steal the properties of the displaced and give these to regime loyalists, a process which the regime has now all but automated.

Sixth: The administrative unit devises studies on the infrastructure through the so-called 'Expert Houses', which are made up of a group of private sector offices peopled by individuals whose nationality, affiliation, or views are unknown.

Seventh: The charge-free expropriation of owners' lands and properties is a gross violation of the right of ownership. As stated in Article 21 of this law, the state may expropriate all necessary lands, according to the public regulatory proposal and the detailed plan, to finish and construct roads and facilities, as public facilities are allocated for public bodies without paying any compensation, violating the 2012 Syrian Constitution, as well as the rules of the Syrian Civil Code.

Eighth: The amendment to this Law contained in Law No. 42 of 2008 assigned judicial responsibilities for the committees, violating the principle of the separation of powers cited in the Syrian constitution. In doing so, it effectively blocks the rights of the people to go to court and made the matter of handling disputes in the hands of the dispute resolution committee, explicitly violating Article 132 of the current Syrian Constitution, which states, "The judicial authority is independent; and the President of the Republic

ensures this independence assisted by the Supreme Judicial Council.”²⁸ Furthermore, the authority to implement the decisions of the dispute resolution committee was conferred on the same administrative unit, an act violating Syrian law which gives the power to implement rulings to the executive body affiliated with the judicial branch.

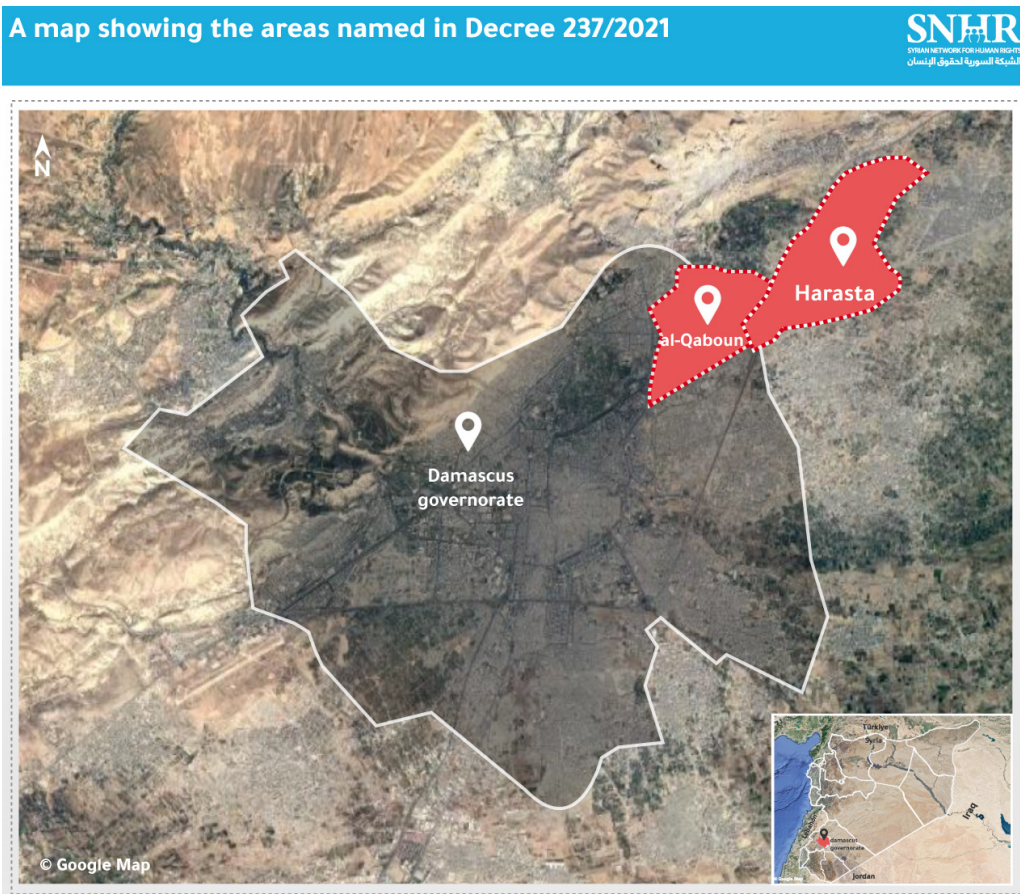
Ninth: This legislation violates a large number of international conventions and legal instruments, many of which state that the right to ownership shall be respected and considered a basic human right. For instance, Article 17 of the Universal Declaration of Human Rights states “Everyone has the right to own property alone, as well as in association with others.”²⁹ Paragraph 2 of the same Article states, “No one shall be arbitrarily deprived of his property.”³⁰ Moreover, Article 31 of the Arab Charter on Human Rights states “Everyone has a guaranteed right to own private property, and shall not under any circumstances be arbitrarily or unlawfully divested of all or any part of his property.”³¹ Also, the American Convention on Human Rights of 1969,³² the Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1952,³³ and the African Charter on Human and Peoples’ Rights of 1981³⁴ all stress the fundamental rights to ownership.

Tenth: It also could be argued that this legislation and its amendments in Law No. 42 promulgated in the same year, were passed with the direct objective of crushing any hope for the return of IDPs to their original lands and properties. Even more shamefully, the regime is currently, on the basis of these laws, undertaking systematic and legalized seizures of all the properties of dissidents, IDPs, and refugees with no one making any effort to stop it, not to mention carrying out ongoing demographic reengineering, which gives its allies and loyalists carte blanche to take over all the strategic and important areas in Syria, which are increasingly becoming simply civilian strongholds for the Syrian regime.

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28. Article 132 of the 2012 Constitution of the Syrian Arab Republic. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15740>
29. United Nations, Article 17(1) of the Universal Declaration of Human Rights (December 10, 1948) <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
30. United Nations, Article 17(2) of the Universal Declaration of Human Rights (December 10, 1948) <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
31. Article 31 of the Arab Charter on Human Rights, adopted at the 16th of the Arab Summit held Tunisia on May 23, 2004. For more details, see: <http://hrlibrary.umn.edu/arab/a003-2.html>
32. “1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.
2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.
3. Usury and any other form of exploitation of man by man shall be prohibited by law.” Article 21 of the American Convention on Human Rights (adopted on November 22, 1969). For more details, see: <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>
33. “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.” Article 1 of the Additional Protocol to the European Convention on Human Rights of 1952. For more details, see: https://www.echr.coe.int/documents/convention_eng.pdf
34. “The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.” Article 14 of the African Charter on Human and Peoples’ Rights of 1981. For more details, see: <https://achpr.au.int/en/charter/african-charter-human-and-peoples-rights>

E. Legislative Decree No. 237 of 2021 on 'The Regulation of al-Qaboun and Harasta'

Issued on September 14, 2021, Decree No. 237 introduced more redevelopment areas at Damascus's northern entrance (Qaboun and Harasta) in line with the laws and regulations on regulating cities, areas, and real estate. In a structural sense, this decree complements the laws that predated it and provided similar legislations, particularly Law No. 23 of 2015 and Law No. 10 of 2018 and their subsequent amendments. However, this decree was unique since it particularly addressed the areas of al-Qaboun and Harasta, based on regulatory plan 104 proposed by Damascus governorate in 2019, which was approved by the council of the governorate at the time. This was based on an economic feasibility study that focused on the projected returns which the government anticipated from implementing this plan.



This decree aims to re-regulate any urban area within the regulatory plan, whether it was deemed in need of renovation or not, and whether it complied with or violated regulations. As per this decree, 70 percent of al-Qaboun neighborhood and Harasta would be demolished to implement this project. As such, it gives full power and permission to demolish any area the Syrian government wishes to see destroyed. The legislators did not even bother to specify which legal texts this decree would be based upon - Law No. 23 of 2015 or Law No. 10 of 2018.

According to the decree, after the council of the governorate announces the designation of a particular area as a redevelopment area, the owners of property there will have 30 days to present their ownership deeds. Owners' relatives with ties as distant as fourth degree kinship can do this on the owners' behalf, provided they show a civilian record that proves kinship. The next step would be the creation of a dispute resolution committee granted full judicial powers to approve or appeal the committee's decisions before the case goes to an appeal court. Again, the overlapping of the various regime bodies' powers can be seen in this case, with committees being granted judicial powers and playing the role of arbitrator in disputes to which they themselves are a party, which, again, conflicts with Article 132 of the Syrian Constitution that establishes the principle of the separation of powers.

F. The dangers posed by the regime's regulatory plans to private real estate properties

The Syrian regime is issuing these new regulatory plans for cities and areas in line with its tactics to expropriate properties after they have been subjected to destruction and their owners or tenants forced displaced, in order to enable the regime to continue with its demographic reengineering, thus further serving the agendas of its allies Russia and Iran.

The new regulatory plans do not, by any means, serve the purpose of real estate development or make any effort to set the stage for positive reconstruction, as shown by the fact that those projects target areas that in many cases have not been destroyed, and even areas that are already licensed, regulated, and occupied. Most of the regulatory plans adopted by the regime aim to target properties located in areas whose residents opposed regime rule, and turn a blind eye to irregular areas populated by regime loyalists, such as al-Sumariya and al-Mazza. Furthermore, many plans are adopted by the Syrian state due to the wishes of the regime's Iranian backers to expand the Shiite shrines or provide protection for the Iranian regime's embassy and/or its area of influence.

Examples of such regulatory plans include:

1. Al-Yarmouk Camp plan, which was part of the regime's new real estate policies, and explicitly demonstrated the regime's intention of altering the identity of the Palestinian-majority camp and omitting its unique national character by lifting the adjective 'camp', and changing its name to the 'al-Yarmouk area', which also includes changing the names of the subdistricts in a way that severs ties to the camp's long and rich history.

Al-Yarmouk camp is a special case in regard to real estate ownership in that registration of properties in the camp is carried out through a system of 'residence permits' which are documented in the records of the 'Refugee Institution'. Since the residential buildings occupied by the camp's residents are built on lands rented by the state and owned by the Refugee Institution, ownership of any house to be demolished or included in the redevelopment area will be restored to its original owner, i.e. the state, and the occupiers will not be able to demand compensation or alternative housing.

2. The regulatory plan for Aleppo city designated the neighborhoods of al-Haydariya and Tal al-Zara-zeer for real estate development, with most of the houses in these areas demolished and the remaining residents deported. The al-Haydariya plan is being carried out by “the General Commission for Real Estate Development and Investment in partnership with Syrian and non-Syrian companies”. This has been among the most dangerous actions taken in relation to the issue of real estate in Syria, and is related primarily to the residences of dissidents. This is dangerous first and foremost because it would be impossible for the affected people to prove their ownership without deeds, since most of these residences are built within irregular areas. The project is being carried out on the basis of Law No. 15 of 2008, as well as the mechanisms established in Law No. 10 of 2018.

V. Laws Related to Real Estate Transactions and Registries

Not only has the Syrian regime promulgated laws, decrees, and legislative articles that attempt to circumvent the existing laws and to justify its seizure of real estate properties, as seen in previous chapters, but it’s also seeking to deny the fundamental rights that returnees, both IDPs and refugees alike, may demand at some point through building a quasi-legal arsenal. Through these actions, the regime is creating a new reality in which most areas are under its direct authority via administrative units, and indirectly through real estate developers who acquire and maintain the regime’s patronage through their blind, unquestioning loyalty. In this chapter, we will attempt to track the steps taken by the Syrian regime to seize possession of real estate properties through legislative decrees, whether these are related to the structure of real estate registries or to real estate transactions as a whole.

A. Law No. 11 of 2011 on ‘The Rules of Non-Syrians’ Proprietary Rights in Syria’

This law, passed by the People’s Assembly of Syria on March 31, 2011,³⁵ allowed non-Syrian households to own only one house in the country of an area no larger than 140 m², provided that they’re legal residents of Syria.³⁶ However, Article 3 of the same law prohibited foreigners from owning any piece of real estate by the way of inheritance of will or transfer, although Paragraph B made this condition inconclusive, banning foreign ownership of properties only in cases where approval for such a sanction was first obtained from the Council of Ministries with the proposal being formally submitted by the Minister of Interior and the Minister of Foreign Affairs. All of these conditions mean, effectively, that this article is legally ineffectual, since the decision is ultimately in the hands of the Minister of Interior and Minister of Foreign Affairs. Such decrees are usually issued in secrecy. Article 4 of the same law adds a more dangerous exception, giving the President of the Republic absolute power to allow such types of ownership in cases of necessity while completely dismissing this prohibition.

35. See Law No. 11 of 2011 <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4450>

36. General Secretariat of the Syrian Arab Republic’s Council of Ministers. The Information and Documentation Directorate. *‘Majmū’ah al-qawānīn wa-al-marāsīm al-ṣādirah ‘ām 2011’* [The Laws and Decrees Issued in 2011] Law No. 11 of 2011. See Law No. 11 of 2011.

This law, therefore, largely opened the door for foreigners' ownership of properties in Syria.³⁷ Furthermore, it paved the way for the implementation of Law No. 10 of 2018 that followed it, which was effectively passed to enable the seizure of real estate properties from their original owners and to transfer their ownership to foreigners as a reward for their contribution to the so-called reconstruction process. This law also encourages regime-affiliated foreign militias to bring more members and their families and grants them the right to property ownership, especially in the case of Iranian militias, since Iran's regime is the main regional backer of the Syrian regime.

B. Legislative Decree No. 43 of 2011 on 'The Lands Located in Border Areas'

Also known as the Decree on Licensing Borders, this decree issued in 2011,³⁸ provides for the prohibition of conducting any transactions on real estate properties and lands located in border areas. This includes selling, mortgaging, or utilizing property in the form of rental or investment for any period exceeding three years without a prior permit. Article 1 of this Law states, "It shall be prohibited to establish or transfer any proprietary rights or lands in border areas, as well as to utilize such pieces of real estate, through rental, investment, or any other means, for periods exceeding three years to any individual or for the benefit of any natural individual or corporate individual unless a permit is obtained beforehand." Paragraph 4 of Article 1 also forbids judges from registering lawsuits related to establishing the rights specified above in any case involving land in a border area, unless a permit is issued.³⁹

The Real Estate Administration is also prohibited from issuing any deed or executing any contracts or procedures with relation to lands located in border areas to any party without a permit for such actions. Permit transactions are handled by the ruling authorities representing the governorate in question as quickly as possible, that is after the Minister of Defense issues an executive instructions for this decree.

However, placing restrictions on gaining proprietary rights for lands located in border areas without a prior permit, and tying the status of properties to the decisions of the executive authority responsible for issuing permits goes against the Syrian constitution, as well as the principle of separation of powers, since such an authority, in this case, would interfere with the work of judges, as well as denying the disputing parties the right to go to court in cases of disputes over land in border areas, not to mention the fact that this decree seriously violates the right to ownership.

37. It should be noted that non-Syrians owning properties in Syria was strictly prohibited under Syrian law, whether for Arabs or Westerns, as per Legislative Decree No. 189 of 1952 which prohibits the construction, amendment, or transfer of a real estate proprietary right on the lands of the Syrian Arab Republic to the name of benefit of a non-Syrian person. The Decree also voids the right of inheritance or transfer via will in the event that the beneficiary was non-Syrian, and this also applies to the dissolution of a waqf. In such cases, the ownership is immediately transferred to the State's Property Administration which pays the estimated value of the property in question to the foreigner. Syrian legislators in the past were very strict on this matter, considering the concept of sovereignty and because owning lands in Syria is an attractive prospect for any foreigner because of its climate and central geographic location, and the cheap prices of real estate there. However, Law No. 11 of 2008 and then Law No. 11 of 2011 changed that.

38. See Legislative Decree No. 43 of 2011 <http://www.parliament.gov.sy/arabic/index.php?node=2015nid=4460>

39. General Secretariat of the Syrian Arab Republic's Council of Ministers, The Information and Documentation Directorate, '*Majmū'ah al-qawānīn wa-al-marāsīm al-ṣādīrah 'ām 2011*' [The Laws and Decrees Issued in 2011] Law No. 11 of 2011. See Legislative Decree No. 42 of 2011.

C. Legislative Decree No. 11 of 2016 on 'The Suspension of Registering Proprietary Rights'

According to Paragraph A of Article One of this decree, issued on May 5, 2016, the decree's objective is to halt the process of registering proprietary rights with the authorized bodies as per the law due to the existing emergency security conditions. Paragraph C of the same Article also confirms that any registrations or records registered during the suspension period would be considered invalid.

Moreover, Article 2 of this Decree introduces a 'complementary daily record' to temporarily replace the suspended real estate registries.

To know the reason why this Decree is considered dangerous, one could go to Paragraph A of Article 4 which states, "The complementary daily record shall be used to record transactions related to establishing, transferring, and altering proprietary rights, provided that such transactions are consistent with the records of the real estate registry and show the supporting documents."⁴⁰ In other words, this decree enables the regime to manipulate the process of registering proprietary rights by devising alternative ownership records and using these to record the contracts; notice that there's clearly a wish to move away from the real estate registry system used to store such records for nearly 100 years, not to mention that the real estate registry is the only system with any credibility and the one trusted by the vast majority of people across Syria. What this change would lead to is the existence of two registries in one area, which goes against the principle of a united registry which ensures that every piece of property has one consolidated record to protect the owners' right. In other words, it not conceivable to have two records for the same property because any contradictions will shake the credibility of both documents.

Additionally, those articles make forgery far easier. The creation of new property records will allow anyone with access to manipulate details of rights and ownerships and to transfer the properties from their original holders to new ones, or possibly to fraudulently add notices or lawsuits, or reserve a piece of real estate, using fraudulent notification procedures, without notifying the actual owners.

Equally importantly, this law does not mention individuals' right to access the complementary daily record introduced in Article 2, which also goes against a fundamental principle of real estate law in Syria, namely publication of records. This shortcoming constitutes a very dangerous loophole that allows charlatans to manipulate records through power of attorney, forged contracts, and fabricated lawsuit documents, all without allowing the owner, or their representative, to verify the status of their property in the complementary daily record for themselves.

This will, without doubt, lead to endless disputes and issues because of the temporary suspension of the registration process for the original records in non-regime areas. This being the case, the contract for any transactions concluded during this period will be automatically invalidated, and ownership of the property will, in the eyes of the law, return to the original owner who, for instance, has already agreed to sell their property. One can imagine that this is a recipe for thousands of lawsuits and disputes that will only and profoundly complicate the issue of real estate in Syria.

40. General Secretariat of the Syrian Arab Republic's Council of Ministers. The Information and Documentation Directorate. *'Majmū'ah al-qawānīn wa-al-marāsīm al-ṣādirah 'ām 2016* [The Laws and Decrees Issued in 2016] Law No. 11 of 2011. See Legislative Decree No. 11 of 2016.

Therefore, the actual objective behind the regime's issuing this law is to enable its loyalists to forge documents and seize the properties of citizens, especially IDPs, refugees, forcibly disappeared persons, and unregistered victims. Almost all the surviving members of these groups, of course, don't have access to read the new records. The ultimate goal of all of this is to undermine the credibility of the state real estate registries in Syria which have served as a reliable and credible mechanism in the eyes of Syrians for decades.

D. Legislative Decree No. 12 of 2016 on 'Accepting the Digital Version of the Events of Transferred Proprietary Rights from the Real Estate Cadastre as Having an Evidential Character'

Article 1 of this Decree states "Digital versions of the events of transferred proprietary rights from the Real Estate Cadastre that are approved by the law as a valid legal record shall have an evidential character. Those digital versions shall be used as an original copy from which a paper copy of the real estate cadastre is to be devised, contingent upon the approval of the relevant minister."⁴¹ Whilst the objective of this decree was, ostensibly, to digitize real estate records, strangely enough, it goes on to state that digital versions will be used to recreate paper versions, as if the regime is trying to reproduce original documents through a digitization process. In other words, the regime is devising another way to 'revise' and rewrite real estate registries. Furthermore, the regime has given ministers the authority to approve the reproduction of paper versions, which means that real estate records can remain in the 'digitization phase' indefinitely, which also makes it easier to forge national real estate ownership records, especially in the absence of the rightful owners.⁴²

Paragraph B of Article 2 of this decree stipulates that after a digital version is created, the numbers of the pieces of real estate and the names of the owners reflected in the digital version will be publicly published in the general hall of the relevant government body, as well as in the governorate center so that all owners can see them. Paragraph C of the same article specifies that these records will be available in this manner for a period of four months, during which time appeals will be accepted,⁴³ while the period for ruling on appeals will be specified at a later date. The next stage, according to this decree, will be the relevant government authority issuing a decision to create a paper record based on the digital version within two months.

One can easily detect many dangerous loopholes in this decree. For one, the purpose of all these changes remains quite unknown. Many will ask why there should be any need to create a paper copy based on a digital copy which is itself originally based on a paper registry document that has been used and consulted for nearly a century. The decree fails to provide any reasons whatsoever to justify this process.

41. General Secretariat of the Syrian Arab Republic's Council of Ministers, The Information and Documentation Directorate. '*Majmū'ah al-qawānīn wa-al-marāsīm al-šādīrah 'ām 2016*' [The Laws and Decrees Issued in 2016] Law No. 11 of 2011. See Legislative Decree No. 12 of 2016.

42. Sawwan, A. (2020, October 15). "*Maḥādhir taṭbiq al-marsūm al-tashrī'ī / 12 / li-'ām 2016 al-khāṣṣ b'tmth al-Sijillāt al-'aqāriyah*" [The Dangers of Implementing Legislative Decree No. 12 of 2016 on Automating Real Estate Records]. Enab Baladi. Retrieved May 9, 2023, from <https://bit.ly/3M5iGwC>

43. General Secretariat of the Syrian Arab Republic's Council of Ministers, The Information and Documentation Directorate. '*Majmū'ah al-qawānīn wa-al-marāsīm al-šādīrah 'ām 2016*' [The Laws and Decrees Issued in 2016] Law No. 11 of 2011. See Legislative Decree No. 12 of 2016.

Moreover, the process itself requires the involvement of large numbers of officials, all of whom should be highly qualified and wholly trustworthy. After all, copying such crucial records exposes them to the risk of being falsified, altered, deleted, or edited. It is not too far-fetched to assert that some issues will arise while undertaking this process without finding any signs of forgery or alteration, whether due to an honest mistake or deliberate malice, which will directly lead to rights being squandered. Moreover, since this decree targets a certain group of owners, specifically those displaced from areas which opposed the regime's rule, it will be impossible for these owners to submit appeals.

E. Law No. 33 of 2017 on 'Regulating the Reformation of a Missing or Destroyed Real Estate Document'

Adopted on October 26, 2017, this law's objective, according to Article 3, is to regulate the process of reforming or restoring destroyed real estate documents, with two possible methods specified, namely "reforming the affected real estate documents either administratively or judicially on a case-by-case basis."⁴⁴ This law introduced new mechanisms that were not present in its predecessor, the 'Law on Real Estate Registry' (Law No. 188 of 1926). Firstly, it gives the Real Estate Administration the power to issue new documents in place of missing or destroyed ones. Furthermore, Paragraph B of Article 2 states that a digitally stored image of a document possesses the same evidentiary character as the original copy, which, as mentioned above, has dangerous implications for the credibility of real estate registries, as it facilitates the forgery of documents in electronic records, taking advantage of the lack of an original documents, all to serve the interests of regime loyalists.

It is unarguable that the ultimate goal of this law is not the publicly proclaimed one (reforming or reproducing a document), but that it is, in reality, intended to enable the creation of entirely new documents and the forgery of new ownership records that the regime can manipulate and falsify as it wishes. It is important to note that the regime itself has destroyed a number of real estate administration offices and tried to burn others down, setting the stage for the introduction of laws of this nature which enable the regime to seize the properties of the Syrian people in general, and of dissidents, displaced persons, and forcibly disappeared people in particular, after which it can forge new documents and name whoever it wishes as the new owners.⁴⁵

Moreover, Article 8 of this Law specifies extremely inconvenient procedures to submit appeals which requires the physical presence of the petitioner or a representative, while the judge can rule on the appeal without the presence of the parties in question.

44. General Secretariat of the Syrian Arab Republic's Council of Ministers, The Information and Documentation Directorate, '*Majmū'ah al-qawānīn wa-al-marāsīm al-ṣādirah 'ām 2017*' [The Laws and Decrees Issued in 2017] Law No. 11 of 2011. See Legislative Decree No. 33 of 2017.

45. General Secretariat of the Syrian Arab Republic's Council of Ministers, The Information and Documentation Directorate, '*Majmū'ah al-qawānīn wa-al-marāsīm al-ṣādirah 'ām 2017*' [The Laws and Decrees Issued in 2017] Law No. 11 of 2011. See Legislative Decree No. 33 of 2017. <http://www.mola.gov.sy/mola/index.php/plans-and-laws-4/item/6189-3>

This is not too different from publishing decisions in the official state gazette to inform property owners. The original owners cannot appeal the decisions to reform a real estate document, and it is also impossible for them to read the official gazette, published only in Damascus, not to mention that they are unable to be physically present to submit an appeal since they are wanted by the authorities and would face immediate arrest. As with the other laws, this one also provides for forming a committee granted absolute power to decide on the validity of documents under the supervision of the General Director of Real Estate Administration. Meanwhile, this legislation does not specify the conditions under which a document requires reform, as with the executive instructions for Law No. 33, issued in Resolution 1/W (1/g) on March 14, 2018. Such unchecked powers unconditionally allow the executive authority to reform whatever documents it wants for whichever, usually malignant, ends it sees fit. This law also further paves the way to forge real estate records and steal properties by adding a veneer of legitimacy to otherwise illicit and deeply suspicious behavior.

VI. Laws With Indirect Implications for Real Estate Rights in Syria Since March 2011

Many of the laws promulgated by the Syrian regime since March 2011 have had major implications for the real estate domain in Syria. In this, the regime has indirectly linked real estate records and documents with these laws in order to deter any political dissident from attempting to seek their constitutional property ownership rights for fear of risking arrest in light of these laws. Below is a summary of the most important laws of this kind.

A. Legislative Decree No. 40 of 2012 'Law on Removing Building Violations'

This Decree provides for the demolition of illegally constructed buildings, irrespective of their type, location, status of investment, or utility. The decree also addresses how to remove the rubble, and makes provision for imposing a fine on anyone found responsible for the violation in question, whether they were the owners, prospective buyers, contractor, supervisor, inspector, or executor. The law also imposes strict punishments on anyone who divides lands and constructs buildings without a permit. This decree is notable for specifying so many punishments that it could well be classified as a penal code.⁴⁶

However, this decree also has many loopholes and obstructions. For one thing, it seems detached from the reality on the ground. Also, it is impossible to implement, since as many as 30 percent of all residential buildings in Syria have been built in irregular areas. This decree tries to evade mention of this by claiming that the regime will resettle their residents in the same areas after they are rehabilitated and the outstanding issues related to property rights are resolved. In reality, however, this would be impossible to actually do for anyone for a number of reasons, the most important of which is the fact that it is impossible to resolve disputed ownership over the same pieces of real estate that hundreds of people are trying

46. See Legislative Decree No. 40 of 2012 <http://www.parliament.gov.sy/arabic/index.php?node=5588&cat=4311>

to prove that they own a share to them. Moreover, most of the residences in irregular areas are built on plots of land that are either unregistered or are classified as state property, and as such it will be a very difficult task to settle the ownership disputes. It can also be argued that this decree was ineffectual from the moment it was adopted. Even worse, the regime has used it in a blatantly discriminatory way against the most vulnerable sections of society in rural areas, where thousands of illegally constructed buildings were demolished, with the same authorities still turning a blind eye to the same building violations in pro-regime areas, where these buildings were left completely intact.

Additionally, this can be seen as another revenue stream for the regime through extorting bribes from owners to avoid demolitions, which has always been an effective, if risky, tactic for the regime. Now, however, the regime can implement this Decree in a discriminatory way to serve its interests and the interest of its elite, while easily demolishing many properties whose owners are missing due to being killed, missing, or displaced tragedies that the regime has proven as adept at exploiting as at inflicting.

B. Implications of Law No. 19 of 2012 (Counterterrorism Law) on real estate properties

This law includes two articles that are directly related to real estate - Articles 11 and 12. Article 11 reads, "The Court shall rule, as a conviction ruling, for the seizure of the transferrable and non-transferrable assets of anyone who was found guilty of a crime related to fund terror acts or of having committed a crime specified in this law."⁴⁷ Giving the Prosecutor General, or anyone at their behest, the power to issue seizure orders is effectively an authorization to carry out a general confiscation of funds which violates Article 15 of the 2012 Syrian Constitution⁴⁸ that specifically prohibits general confiscation of funds. Article 15 of the constitution also provides for a fair compensation against the law to be paid in the event of a private confiscation of property and only with a final court ruling. Moving to Article 12 of the Counterterrorism Law, this provides for "seizing the transferrable and non-transferrable assets, their returns, and the objects used or intended for use in the commission of the crime."⁴⁹ Similarly, this article compels the judge to seize transferrable and non-transferrable assets from the defendant, which infringes upon the powers of the judge who is supposed to have full liberty and assessment authority in making rulings.

In early October 2019, Circular No. 346 was issued, requiring all real estate administration bodies across the Syrian governorates to be attentive to the final rulings issued with relation to the Counterterrorism Law, and to implement these without delay. The administrations were required to transfer the assets of the defendants to the name of the Syrian Arab Republic. In other words, the Syrian regime merely needs to accuse any individual or group of charges associated with supporting terror to justify seizing their real estate property without just cause, a process which has been used by the regime in a widespread manner to seize the properties of dissidents opposing the Syrian regime.

47. General Secretariat of the Syrian Arab Republic's Council of Ministers, The Information and Documentation Directorate, *'Majmū'ah al-qawānīn wa-al-marāsīm al-ṣādirah 'ām 2012* [The Laws and Decrees Issued in 2012] Law No. 11 of 2011. See Legislative Decree No. 19 of 2012.

48. Article 15 of the 2012 Constitution of the Syrian Arab Republic. For more details, see: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15740>

49. General Secretariat of the Syrian Arab Republic's Council of Ministers, The Information and Documentation Directorate, *'Majmū'ah al-qawānīn wa-al-marāsīm al-ṣādirah 'ām 2012* [The Laws and Decrees Issued in 2012] Law No. 11 of 2011. See Article 12 of Legislative Decree No. 19 of 2012.

This law, which primarily regulates the proceedings of the trials of those accused of committing an act of terror, fails to even give an accurate description of what constitutes an act of terror. Rather, the regime used a broad, exceptionally vague and extremely flexible definition in Article 1: “Every act done with the purpose of creating a state of mass panic or disrupting order.” Moreover, the regime established the Counterterrorism Court, an extraordinary court charged with implemented this law, which is plagued by numerous constitutional and legal problems because it does not grant the defendant the right to counsel, and disregards many fundamental aspects of what constitutes a fair trial. In the Counterterrorism Court, a simple charge is enough of a pretext to strip the defendant of all their proprietary and civil rights.

C. Implications of Law No. 22 of 2012 (the legislation establishing the Counterterrorism Court)

This was one of the most dangerous pieces of legislations in post-uprising Syria. Passed one year after the uprising had started, this law introduced a new extraordinary court that is also a mixed court since it is composed of civilian and military judges. The civilian judges hold the position of Principal Advisors, while the military judges are appointed by the ‘Supreme Judicial Council’.⁵⁰ This court is responsible for the implementation of the Counterterrorism Law (Law No. 19 of 2012), which includes far-reaching articles that can be applied to anyone targeted by this court because of the vague and broad nature of its wording. Article 4 of Law No. 22 of 2012 states that the Counterterrorism Court’s jurisdiction includes both civilian and military individuals. With relation to real estate, Articles 11 and 12 specify rulings for freezing and seizing transferrable and non-transferrable assets of the defendants. This Court also has the power to issue rulings in absentia, which are final and reject any form of appeal or requests for a re-trial.

Also, Article 6 states that this Court does not include, in its formation, a referral system, in order to appeal the rulings of examining magistrates in case the trial was held in absentia. One of the most dangerous articles of this law is Article 7 that relieves this Court of the requirement to abide by the due process adopted by regular courts save for the defense procedures. In reality, this Court was a worse alternative to the High State Security Court that was disbanded by the regime.⁵¹

This law violates international standards that dictate that “tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals,” according to the Basic Principles on the Independence of the Judiciary adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan in 1985.⁵²

50. General Secretariat of the Syrian Arab Republic’s Council of Ministers, The Information and Documentation Directorate, *‘Majmū’ah al-qawānīn wa-al-marāsīm al-ṣādirah ‘ām 2012* [The Laws and Decrees Issued in 2012] Law No. 11 of 2011. See Legislative Decree No. 22 of 2012.

51. Syrian Network for Human Rights (SNHR). (2020). At Least 10,767 Persons Still Face Trial in Counter-Terrorism Court, nearly 91,000 Cases Heard by the Court and 3,970 Seizures of Property. <https://snhr.org/?p=55561>

52. United Nations, Basic Principles on the Independence of the Judiciary. For more details, see: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary>

D. Implications of Legislative Decree No. 63 of 2012 for 'Conferring the Authority for Provisional Seizure of the Assets of Individuals Accused of Terror Crimes on Officers of the Law'

This decree gives officers of the law the authority to submit a written request to the Minister of Finance to carry out provisional seizures of transferrable and non-transferrable assets of the defendant in investigations into potential crimes committed against the domestic or external state security, as well as crimes included in Law No. 19 of 2012 (Counterterrorism Law).⁵³

Dangers of this law with relation to real estate ownership

This decree gives officers of the law the power to seize the assets of detainees or defendants solely facing charges of committing crimes against state security (naturally, this is a broad charge that can be levelled against anyone). In such cases, the officer can submit a written request to the Minister of Finance to carry out the provisional seizures, including those of any pieces of real estate owned by the defendant.⁵⁴

Further, this decree gives the powers of provisional seizures to the representatives of the Public Prosecution and the examining magistrate, meaning that both of those bodies can impose a provisional seizure on the pieces of real estate of the defendant as soon as the investigation starts, and even before a verdict has been delivered in their case. These powers dangerously violate the principle of the separation between the investigation and verdict phases. Officers of the law have the power to submit a written order to the Minister of Finance to provisionally seize the assets of the defendant or the detainee before it has been proven that they committed any crime. Such excessive powers will only lead to its abuse by the security services, effectively violating the right of ownership for all detainees.

E. Implications of Legislative Decree No. 25 of 2013 on 'Allowing Notifying through Newspapers due to Extraordinary Circumstances in the Real Estate Issue'

Legislative Decree No. 25 of 2013 includes an amendment to the Syrian Criminal Code (Law No. 84 of 1953). According to this amendment, it is now allowed to serve notice by publishing in one of the daily newspapers in the capital, as well as on the bulletin board of the court in light of the extraordinary conditions in Syria. This amendment also allows for serving notice via SMS and e-mail messages.

53. See Legislative Decree No. 63 of 2012: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15740>

54. It is worth noting that, according to Article 6 of the Syrian Criminal Code issued in accordance with Legislative Decree No. 112 of 1950, Judicial Police employees are the ones charged with investigating crimes, collecting evidence, apprehending perpetrators, and referring them to the court. The Syrian Court of Cassation deemed that police officers are judicial police employees according to ruling 1992/2009-2264 that states that the security apparatus is a supporting apparatus to the attorney general. Also ruling 1928/1982-1783 states that Political Security officers are judicial police employees authorized to carry out this task. Source: 'Qā'idat 4095 majmū'ah al-ijtihādāt al-jazā'iyah j1 ilá j6-Darkazli-raqm Marj'i'iyat Hamūrābi : 42397" [Rule 4095, Collection of Criminal Diligences Vol. 1-6 - Darkazli - Hammurabi Reference 42397]

This has many indirect loopholes and implications for real estate properties. Such a decree is a double-edged sword that can be viewed, on the surface, as simplifying procedures and a way of making things easier for people. In reality, however, it is an instrument that paves the way for, once again, exploiting the law in the regime's favour. According to this decree, anyone can take real estate properties through a court ruling. An individual can usurp people's rights through "questionable final verdicts" by filing a lawsuit in a civilian court to approve the purchase of a property, and then notifying the original owner through local newspapers or through an SMS or an e-mail message, thus appearing as if they did their due diligence, after which they can obtain a court ruling for transferring the ownership of the property in question. In reality, this can be done easily and legally without the knowledge of the original owner of the proceedings or details of the lawsuit, because it is unreasonable that a citizen has to buy three daily newspapers every morning, not to mention the more pressing fact that half of the Syrian people have been displaced, whether internally or abroad, and the overwhelming majority of these have no access to or no interest in reading newspapers published by the Syrian regime. The second paragraph of this decree states that one "can" confirm the notification through an electronic message, meaning it is not required by law, as the laws deems it enough to notify through newspapers. Delivering judicial notices, which are supposed to include the statement of claim and the execution notification document, through newspapers or electronic means legalizes the exploitation of law, considering the fact that a notice or a notification are a crucial and fundamental part of any regular lawsuit, from start to finish. Without an actual notification, a lawsuit can be easily turned into a cynical instrument to deprive people of their rights.⁵⁵

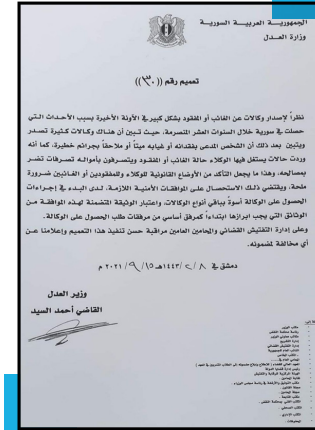
F. Circular No. 1565 of 2015 from the Ministry of Interior

This circular adds new cases to those which already require state security clearance, namely selling properties or being involved in the transfer of ownership of a house or a shop both in regular and irregular areas. This circular requires applicants to obtain a security clearance before engaging in such transactions. A security clearance is obtained from the National Security office in the capital Damascus and Damascus suburbs governorate, and from the Political Security branches for other governorates. Even after the security clearance is obtained, according to the circular, the government employee can notify the concerned party that they need to settle their asset situation through the National Security Office.

A major flaw in this circular is the fact it is impossible to obtain the required security clearance if a person is a dissident or wanted by the authorities, or has failed to perform their mandatory military service, which impedes real estate transactions, such as selling and buying. A security branch can refuse the request for a security clearance without having to clarify the reason or identify the criteria provided by the security services.

55. It could be pointed out here that this decree is null and cannot be implemented in the existing condition of all official departments in Syria, especially for creating a diwan for electronic notification in all judicial departments in Syria which is what the executive instruction of this law issued by the Minister of Justice on September 29, 2013, indicate. "Every judicial department shall initiate a diwan for electronic notification and through SMSes, and the necessary infrastructure, including networks, servers, computers, and communication devices, etc... shall be supplied. The Minister shall also work on connecting the electronic notification diwans with the phone directory of the 'Public Institution for Communication' and mobile phone service providers, and on connecting those diwans to the e-mail directory officially adopted: Public Institution for Communication, 'Syrian Scientific Association'."

Another circular was issued by the Minister of Justice (Circular No. 30) on September 15, 2021, that also specifies the need to obtaining security clearance from the relevant authorities as a requirement for obtaining the power-of-attorney paperwork needed for the transfer of properties or assets. The circular requires that security clearance must be shown in order for the owner's power-of-attorney request to be approved.



Requiring security clearances for real estate transactions is an explicit restriction on the freedom of ownership. It also violates the constitution in two ways: first, it assumes that every citizen is guilty until proven innocent, which violates Article 51 of the Constitution: “Every defendant shall be presumed innocent until convicted by a final court ruling in a fair trial;”. Second, it deprives the owner of the right of exercising their ownership over their properties which violates the constitutional guarantee of the right of ownership. This circular also suspends judicial rulings on selling properties, which constitutes interference by the executive branch in the dealings of the judicial branch, which goes against the principle of the separation of powers. This circular also helps to fosters an environment ripe for profiteering and financial extortion by the regime security services or individuals with close ties to the regime security apparatus.

G. Reading of Law No. 35 of 2017 on ‘Amending the Mandatory Military Service Law Passed in Accordance With Legislative Decree No. 30 of 2007’

This amendment obligates those who have passed the age for mandatory military service without joining the military to pay a sum of \$8,000. This amount must be paid in full concurrently, and cannot be reduced unless the individual in question has performed part of his military service. Also, in the event that a person has incurred this fine and failed to pay it within the designated period, he must face a provisional seizure of his transferable and non-transferrable assets in accordance with a resolution issued by the Minister of Finance. It is clear, from the phrasing of this law, that it was passed to extort young Syrians and force them to join the military, especially since most Syrians cannot afford to pay such a high fee. Meanwhile, one cannot ignore the fact that the regime is also hoping to extract even more money from the people in order to support its military and buy more weapons to use in committing more violations against the Syrian people. The law also provides for the seizure of properties, making it one of the laws that threaten real estate ownership in Syria.

H. Reading of Law No. 1 of 2018 on 'Building a Pathway Around the Ein al-Fija'

This law provides for building two pathways along the two tunnels used to pump water from Ein al-Fija (al-Fija Spring) to Damascus. This law, even though it might seem at first sight to be concerned with an environmental issue, poses a serious threat to ownership of real estate properties. The law provides for the construction of two pathways along the tunnels (pathway meaning here the ground around the water source built to access and maintain the water). To build those pathways, Article 3 provides for the expropriation of the properties and parts of properties directly surrounding the pathway. The law also strictly prohibits undertaking any of the following actions on the direct pathway to Ein al-Fija and the pumping tunnels: construction of an industrial, residential, or touring facility, or building any extending pipes, water tank, or filling any holes and transferring rocks or antiquities, or building a quarry, which is a legal violation, considering that it entails implementing the law retroactively, in the sense that this law voids any permits previously issued without providing any compensation.

This law also strips property owners of their rights such as utilization of, benefitting from and disposal of a property, rights enshrined in Article 768 of the Syrian Civil Code: "Only the owner of the object shall enjoy the right, within the extent of the law, to utilize, benefit, and dispose of said object." Under this law, the state has expropriated wide areas and licensed touring facilities. Even though this law does mention payment of compensation, this compensation, usually assessed by the committees, does not reflect the actual value of the piece of real state. It is always the case that owners incur huge losses when they have to settle for compensation. Furthermore, this law amends the regulatory plans previously approved for the areas of Deir Meqren and Ein al-Fija, effectively repealing entire residential areas within the area named "Direct pathway", and as such all facilities and residences will be demolished in this area, which is the most dangerous violation to the right of real estate ownership in this area.⁵⁶

I. Implications of Law No. 3 of 2018 on 'Removing the Rubble of Damaged Buildings Under Laws Providing for Their Demolition'

This law is one of a number of laws that pave the way for the seizure of real estate ownership rights. Actually, this law can be viewed as a gateway to implement Law No. 10 of 2018, where the governorate can demolish any areas designated for real estate development, whether it was intact or damaged, just as soon as a resolution is used by the governor to include it under this Law (as Article 2 of this Law states). After the rubble is removed, the area is left as empty featureless expanse, which paves the way for Law No. 10 of 2018 that provides for establishing redevelopment areas, in order to strip people of their properties towards a demographic reengineering. As mentioned above, the ownership of all properties in the area are transferred to the new legal entity known as the 'redevelopment area'.

56. See Law No. 1 of 2018: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=19086>

This law provides for the formation of a committee called the 'Committee for Description and Verification'. Mostly, the committee is formed to serve the interests of the administrative unit (the governor in this case), which is explicitly clear from its structure - it is composed of seven members, five of which is appointed by the governor, and the remaining two are property owners and rights holders. Most likely, the decisions made by this committee will be in the service of the government, rather than of the property owners. Moreover, allowing the administrative unit to hire public or private corporations qualified to remove, transfer, and recycle the rubble is another way for the regime loyalists, as well as foreign companies to control the issue of demolishing buildings and recycling the rubble.

It is also important to note that the speedy procedures and short windows of time specified in this Law does not give owners any real opportunity to take action to protect their properties, including showing the documents proving their rights specified in this law, considering that many owners have either been displaced, killed, or forcibly displaced. As a result, removing rubbles is another step towards omitting any sign or proof of the property and its location, which undermines the owner's chance of prove their ownership of the residence in case they've lost their deed. However, the worst affected are those who own houses in buildings with communal ownership or the ones constructed in irregular areas, in addition to those who owned their houses through regular contracts, through notarization, or on the basis of a judicial ruling without registering them in the real estate registry. Those people's rights will surely be squandered after the remnants of the demolished houses have been removed and all the neighborhoods and districts' distinctive features for neighborhoods and district are lost.⁵⁷

J. Reading of Law No. 6 of 2018 ('The Law on Harajs')

Issued on March 4, 2018, Law No. 6 of 2018 was the first law enacted to protect Harajs (forest areas) in Syria. This law, however, has a host of loopholes and dangers pertaining to forest-type real estate, such as:

1. The law specifies numerous punishments against people who infringe upon forest properties; however; most punishments were lightened comparing with past laws, including repealing the life imprisonment for setting a fire in a forest.
2. Article 47 allows for exchanging private forest areas or private properties and state forest areas or state properties in many cases, contingent upon an approval from the Council of Ministers to a proposal that shall be made by a minister. This Article can be used to transfer the ownership of many forest real estate from being a state property to a private property on a proposal by the minister.
3. Article 15 states that "The rules and requirements of starting a fire and using coal in a forest and in the adjacent areas shall be specified in a resolution by the minister." This could be used to legalize setting fires to forest areas, and deliberately causing fires to pave the way to seize forest properties after burning all the trees down, which has happened repeatedly.

57. See Law No. 3 of 2018: <http://www.mola.gov.sy/mola/index.php/2018-04-19-13-25-39/item/6312-3-2018>

4. Article 14 of this law states, "Forests are a natural wealth that must be protected and developed"; this is in contrast to the last law on Harajs promulgated in 2007 states, "Forests are a natural wealth that no one shall dispose of or reduce their areas,". Notably, the new law strikes down t the strict prohibition of disposing of forest areas. Overall, while this Law might seem strict in terms of protecting forest areas, in reality it is a lighter version of the older laws as it eased punishments against people who infringe upon forest properties, and indirectly allowed for tampering with one of the most valuable national resources considered to be a state property, namely forests.

K. Implications of Law No. 31 of 2018 for 'Regulating the Work of the Ministry of Endowment as This Relates to Real Estate Ownerships'

One of the problematic laws in regard to real estate is the one concerning the matter of 'waqf' real estate. The government adopted this law with the outward objective of improving the performance of the Ministry of Endowment, but the actual and implicit objective is to circumvent the principle of forbidding selling or disposing of waqf real estate, as can be seen in Article 59 of this legislation that paves the way to tamper with waqf real estate and erodes the principle of selling and disposing of waqf assets. This is done through founding the Central Waqf Council that has been given immense powers over waqf assets and real estate, including contributing to the waqf funds in transactions at approved Islamic banks and Islamic insurance companies. Such powers can be used to tamper with waqf assets, with the council able to add those assets as contributions to banks and insurance companies, or to mortgage them, and in cases of a loss, those assets can be sold at public auctions, or have their ownership transferred to the banks and insurance companies in cases of loss or bankruptcy. Furthermore, the Council can exchange waqf assets for other assets, including mosques and old cemeteries. Again, this can be used to exchange those valuable assets with modestly valued ones. Another power given to the Council is agreeing to arbitration on real estate lawsuits, which can also be used to give away waqf assets.

Meanwhile, the Ministry of Endowment can exchange one piece of real estate for another in cases of infringement, and should that be not possible, these properties can be exchanged for sums of money, effectively meaning that the valuable waqf properties owned by the Ministry of Endowment in Syria can be used, which violates the principle of prohibiting the sale and disposal of waqf assets.⁵⁸

58. See [Law No. 31 of 2018](#).

L. Effect of the 'Law on Real Estate Sales Tax' (Law No. 15 of 2021)

Adopted by the Syrian regime on March 29, 2021, as a new law on real estate sales tax, the objective of this law was to increase tax revenues from selling and buying articles of real estate, as well as from transactions such as grants and what is known as 'al-Wasayya al-Wajiba' (related to inheriting a portion of the inheritance of a deceased grandfather bequeathed to an orphaned grandson). Naturally, all of these transactions increase the state's funds, with the measurement of taxes changing, under this law, from the speculative value established in financial administrations to the trending value, which doubles taxes exponentially. A dangerous loophole in this Law is that it violates the 2012 Constitution, which was written by the regime itself, making it another example of powers interlapping and the regime's overarching hegemony. This law prohibits courts from approving real estate sales or leases until after obtaining a document acquired from a financial administration that reflects that the incurred taxes have been paid. This is a dangerous violation of the principle of the separation of powers that is constitutionally established, because a judge will find themselves forced to fulfill their judicial duties and to approve real estate rights solely because of an unjust law.

Moreover, this law imposes hefty taxes on any owner wishing to conduct a transaction related to their property, which hinders said owner from concluding a sale or exercising their ownership in any other way in fear of having to pay taxes. This also affects individuals who feel they need to sell their property for desperate reasons, such as impoverishment, repaying their debts, or securing necessary life needs. This will only further exacerbate the spiraling real estate prices and the housing crisis in Syria.

The decision to form committees to change the basis of measurement from speculative to trending value per one meter square of each piece of real estate in Syria is an unjust procedure because it gives those committees the liberty to determine the value of taxes with no conditions or restrictions in service of the interests of the Ministry of Finance. Also, imposing a sale tax on real estate properties that are distributed as a grant or as per a will, which is estimated at 15 percent of the rate of taxes on regular sales, is a grave injustice to parents who wish to bequeath their properties to their children, even though a grant is not a transaction or a deal, and does not involve paying a price, and the same applies to al-Wasayya al-Wajiba.

Furthermore, Resolution No. 28 of 2021 issued by the Council of Ministers that requires depositing five million Syrian pounds in a Syrian bank and freezing half a million Syrian pounds for three months in order to conclude the sale of a piece of real estate is another unjust decision.

In March 2021, the Council of Ministers issued Resolution No. 28 which requires government bodies that are authorized to document records of real estate and notaries to refuse to document sales contract or powers of attorney until after being shown a type of proof reflecting that the price, or part thereof, has been paid from the bank account of the owner or their public/private next of kin, or a legal representative. As mentioned above, the Resolution also requires that a sum of no less than 5 million S.P. are to be paid through banking channels to the transactions of selling residential and commercial real estate and vehicles, and no less than 1 million pound through banking channels for the selling and buying of lands. Also, the Resolution requires freezing 500,000 S.P. in the accounts involved in the sales specified above for residential and commercial real estate and vehicles for three months at least.

All of this affects real estate transactions. Such unjust decisions will affect all real estate contracts and will block people from recording and documenting their contracts. Furthermore, the ultimate objective of imposing most of these laws is to obtain more money and extort citizens who need to conclude sales.

SNHR notes that most of the laws passed by the Syrian regime have been passed for one primary purpose, namely to inflict as much harm as possible on dissidents, steal as much as possible of their properties, and complicate the return of IDPs and refugees.

VII. The Instruments Used by the Syrian Regime to Control Land and Real Estate Properties

The Syrian regime has used several instruments, aside from the laws and legislative articles it passed, in order to seize control of lands and real estate properties. Below are some of the most notable of these instruments.

A. Syrian regime takes advantage of the widespread destruction inflicted

The heavy bombardment by the Syrian regime and its ally Russia has left a fathomless trail of destruction in numerous neighborhoods across Syria. These operations involved the use of a wide range of weapons. In regard to this, SNHR has documented the most notable weapons used, including barrel bombs. To give a sense the widespread nature of this destruction, it is sufficient to note that the Syrian regime has dropped approximately 82,000 barrel bombs on Syria, and this is only one type of weapon used. We have documented the heavy destruction in [many of the reports we released](#), using satellite imagery of the areas targeted before and after the attack.

It has been discovered in dozens of areas attacked by the Syrian regime that the destruction inflicted was not incidental but was a goal in and of itself, to drive people out of those areas and inflict as much destruction as possible⁵⁹ so as to enable the regime to easily pillage and loot the destroyed areas and steal the properties of the displaced residents, relying on the laws it had passed to confer a spurious legitimacy on these activities.

59. SNHR has released numerous reports on this topic, including the report released on May 29, 2020, entitled, '[Destroying Ma'aret al Numan and Saraqeb Cities and Displacing Their Residents Is a Clear Example of the Syrian Regime's Tactics in the Recent Military Campaign Since Early December 2019 Until March 2020](#)', '[Destroying Cities and Their Environs, Displacing Their People, and Seizing Their Properties Is the Syrian Regime's Malicious Tripartite Crime to Punish Those Demanding or Dreaming of Political Change](#)'. The report analyzes the process of destruction that the two cities of Ma'aret al-Nu'man and Saraqeb have been subjected to. The report notes that the Syrian regime and its Russian ally carried out almost daily bombing operations on Ma'aret al-Numan city. In that, the displacement of the people of the cities of Ma'aret al Numan and Saraqeb is organically linked to the process of destruction inflicted in these military operations, because destroying cities and towns has been a deliberate strategic objective of the Syrian regime and its allies in order to force the people towards surrender, displacement, and humiliation, because destroying cities and their environs, displacing their people, and seizing their properties is a malicious and criminal tripartite strategy by the Syrian regime intended to punish those demanding or dreaming of political change.

In [another report released on September 16, 2019](#), SNHR reveals that it has obtained satellite images proving the extent of the massive destruction inflicted on Khan Sheikhoun city in the southern suburbs of Idlib, noting that the goal of the Russian-Syrian alliance is to implement the Grozny and Eastern Ghouta model and to destroy as many buildings as possible to punish Syrian society.

B. Impact of the incomplete civilian documents issue on the real estate issue

The Syrian regime has denied hundreds of thousands of dissidents their most basic rights afforded by domestic and international laws, including acquiring identification documents. One demonstration of this criminality is the regime's demand that individuals who have been internally displaced or sought refuge abroad, who justifiably fear that they may be arrested and tortured if they return to their home country, should be physically present before being able to claim identification papers (which can be otherwise obtain by paying hefty bribes). This effectively creates two major problems: firstly, denying the fundamental rights of a whole generation of dissidents displaced, killed, or forcibly disappeared by the regime, and secondly denying the rights of a second generation born during the period of the armed conflict in areas under the control of the opposition, with the overwhelming majority of these children's births not registered, depriving them of official identification documents.

This way the regime can appropriate the properties and areas that were once populated irrespective of their rights, on the pretext that they do not have identification papers proving they are Syrian-born or Syrian nationals. As such, the denial of identification documents is undoubtedly a part of the real estate issue in Syria, which will only lead to further complications in the future because this will impede those individuals from conducting any legal procedures regarding the pieces of real estate they own, wants to buy or sell, or the properties to which they are entitled through inheritance.

C. Denying Kurds Syrian nationality and the implications of this on their rights to real estate ownership

In the population survey of 1962, which was conducted in accordance with Decree No. 93 of 1962, the regime carried out a unique and discriminatory survey of the population of Hasaka governorate in one day only. At the time, this was deliberate, as the regime wanted to reach certain findings, which can be deduced considering that conducting a survey of this scale in one day is impossible. In any case, this Decree ultimately led to denying of a large percentage of the population of Hasaka a Syrian nationality to which they should be entitled. This was done on different pretexts. As such, those who were denied nationality were recorded under the 'record-omitted' column. Many of the Syrian Kurdish citizens were deported in 1973 in line with the nationalist ideology of the Baathist party who eliminated and marginalized its dissidents, especially in Hasaka governorate in what was an explicit targeting of the Kurdish ethnicity. Not only that, the regime appropriated the lands of Kurdish families and transferred their ownership to its loyalists.

Denying a Syrian their nationality had direct effects on the rights of ownership, which should be guaranteed by the Syrian constitution. Consequently, those who were denied a nationality do not have a legal personality because they cannot exist legally in this area, which meant they do not have right of ownership so cannot register properties in their name.

In 2011, the Syrian regime issued Resolution 43 that restricts ownership in areas close to the Turkish borders. We also believe that the primary objective of this law was to target the Syrian Kurds in those areas.⁶⁰

D. Attempts to take advantage of the difficulties faced by Syrian women as related to the issues of ownership and residence, in order to usurp their rights

While the difficulties confronting Syrians in preserving their ownership of their properties in the face of the regime's systematic policies that only aim to seize people's real estate ownership rights applies to the entirety of the Syrian population, women face specific additional difficulties due to the particular challenges they face, which stem from the discriminatory treatment against women in relation to the issue of real estate and residence. Some of the worst manifestations of such discrimination are refusing to register pieces of real estate in women's names across Syria. According to a study, the percentage of pieces of real estate registered in women's name is no greater than five percent of all pieces of real estate registered in the real estate registry.⁶¹

Furthermore, many women are wives of missing persons or political prisoners, or widows whose husbands have been killed. Some of these women face pressure from their husbands' families to force them to waive the inheritance share that they should receive. There is also the issue of losing civilian documents to claim real estate rights, or recording and documenting said documents, which is particularly complex in the case of women, since many of them cannot obtain death certificates which is a requirement for obtaining a limitation of succession document. Many do not even possess a written marriage contract which is required to claim their inheritance.

This issue is only exacerbated by the destruction, loss, or confiscation of many official documents during displacement, or by women being unable to visit the relevant government bodies to obtain alternative documents necessary to claim real estate rights.

Moreover, hundreds of cases of marriage happened in non-regime areas, and these marriages were documented in customary contracts, which the state does not recognize, whether as evidence to register the event of the marriage or to record any childbirths from said marriage, meaning that these women will have no way to claim any real estate rights from their husbands' properties if these were in regime areas. Additionally, the intricate and complex nature of the real estate issues fostered an environment ripe for scamming, which many women fell victims to. It is not uncommon even for these scamming networks to be affiliated with regime security agencies, such as those related to the issue of forcibly disappeared persons which we discussed in dozens of reports. Many women were shocked to find out that the ownership of their properties were transferred to other parties without their knowledge or through deceit.

60. See Legislative Decree No. 43 of 2011: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4460>

61. Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria. (2020). In Syrians for Truth and Justice. Retrieved May 9, 2023, from <https://bit.ly/3VZC55D>

E. Manufacturing the security clearance issue

The Syrian regime uses any and every tactic at hand to complicate the issue of real estate, one of which is blocking the transfer of ownership rights from sellers to buyers. An example of such tactic is the Syrian regime's government issuing Circular No. 4554 of 2015 which states that all real estate transactions require that those involved receive security clearances beforehand,⁶² which are issued by the Political Security agency to conclude the process of the transfer of ownership of a property. In reality, however, the regime used this security clearance requirement as a weapon of warfare against political dissidents, where sales and transfer of ownership now require the approval of the Political Security division, with the same applying to the acquisition of property attaining judicial representation for a missing person or a power of attorney, which should be a very simple bureaucratic procedure that has now become an unnecessarily exceptionally complicated, if not impossible, task due to the security clearance requirement, especially if the principal or the agent are wanted by the authorities or have not fulfilled their mandatory military service, or basically if there are any reservations on them for whatever reason.⁶³ Obtaining security clearance, in some cases, takes three months, but unsurprisingly many requests are rejected if the owner was abroad or there were security concerns. Some studies estimate that about 60 percent of all security clearance requests are rejected according to people with knowledge of the current situation regarding real estate in Syria.

In this sense, security clearances are a way to block owners from exercising their ownership over their properties, which have ultimately halted any real estate sale if the regime is displeased with the seller or the buyer. Even worse, the regime uses security clearances as a pretext to block the transfer of properties until they are eventually given to a regime loyalist. Otherwise, owners have to pay hefty bribes, which has made dissidents victims of extortion. Effectively, these dealings are now regime policy.

62. Enab Baladi. (2020, July 14). "*al-Muwāfaqah al-Amniyah ' Himāyat li-amlāk al-muwāṭinīn Umm 'rqlh li-ḥayātihim*" [Security Clearances: Protecting Citizens; Properties or Hindering Their Lives]. Enab Baladi. Retrieved May 9, 2023, from <https://bit.ly/3NQHvgV>

63. The notion of requiring a security clearances implies a presupposition that every citizen is a suspect, which is why they would need a security clearance to do administrative procedures, which conflicts with Article 51 of the Syrian Constitution: Every "Every defendant shall be presumed innocent until convicted by a final court ruling in a fair trial."

VIII. Conclusions and Recommendations

Conclusions

1. The Syrian regime's hegemony over the legislative process through its control of the three branches of power (legislative, judicial, and executive) has created a reality in which the laws issued in relation to real estate properties, both before and since March 2011, have been created simply and completely to serve the regime's vision and enable it to take over Syrian citizens' real estate properties, particularly those belonging to individuals in any of the three aforementioned groups, i.e. forcibly displaced persons, forcibly disappeared persons, and the families of those victims whose deaths have not been registered in the civil registry.
2. Most of the laws and legislative articles promulgated by the Syrian regime since March 2011 all originated from the same malign motivation, namely of taking advantage of the chaos caused by the internal armed conflict to accelerate the process of seizing and stealing the properties of Syrian dissidents, especially those from any of the three groups identified above.
3. Not only did the regime construct a legal arsenal to justify the theft of dissidents' properties, but it also took advantage of its absolute power, through the creation of indirectly related legislation such as the 'Counterterrorism Law', in order to prevent dissidents and individuals from the three aforementioned groups from exercising their rights over their properties in Syria, through the creation of an endless bureaucratic maze that effectively renders their efforts to exercise these rights impossible, for instance, the short window of time specified for certain administrative procedures, or the requirement of a security clearance.
4. Most of the real estate laws regarding property ownership are interconnected and are made deliberately vague and confused due to the duality found in them, the conflicting authorities involved in administering them, and the lack of any clear hierarchy of authority among the executive apparatuses responsible for implementing said laws, which include: the Ministry of Housing, the Ministry of Local Administration and its affiliated municipal and governorate councils, the Real Estate Administration, the Ministry of Defense, and the committees formed in accordance with the various real estate laws.
5. Most of the laws passed by the regime on real estate regulation and redevelopment areas, especially Law No. 66 of 2012 and Law No. 10 of 2018, were passed for one purpose only, namely to accelerate the process of the transfer of real estate ownership from dissidents to pro-regime entities, which of course ensures the latter's economic and political interests in the current situation. It could be argued that the 'Law on Real Estate Development and Investment' of 2008 and the subsequent Law No. 25 of 2011 and the Law on Planning (Law No. 23 of 2015), and Law No. 10 of 2018, all complement one another for the sake of fostering a legal environment that suits the regime and its allies and enables them to fully take control of dissidents' properties.

6. Many real estate laws were passed in parallel with the developments on the ground in the military conflict in Syria, in that, the regime would issue a legislative decree on real estate after taking control of a certain area, in order to seize the vacant properties in this area and transfer them to its loyalists.
7. In order to ensure its future control over the properties and land belonging to individuals in the three aforementioned groups, the regime has placed many administrative obstacles in the way of the representatives and relatives of individuals in these three groups, including unnecessarily complicating administrative procedures, such as acquiring death certificates for the deceased and making it impossible for family members to prove the legal status of those who have been killed, who are not registered in the civil registry, in addition to introducing security clearance requirements for the refugees and IDPs.
8. Most of the real estate laws adopted by the Syrian regime violate many fundamental human rights, through confiscating properties, raising taxes and fees, and requiring security clearance for many real estate transactions.

Recommendations

The International community and the UN

- Condemn the Syrian regime's hegemony over the three branches of government, to expose its practices in passing laws which are simply quasi-legal tools used to pillage the properties of IDPs, refugees, forcibly disappeared persons, and unregistered victims.
- Apply pressure by every means possible to repeal those laws that violate international law, and which are being used as tools to seize the properties and lands of millions of Syrians.
- Coordinate with human rights group to support the process of documenting the legislation and laws promulgated by the Syrian regime and expose the extent to which these blatantly violate international human rights laws, as well as condemning these unjust laws' terrible consequences.
- It is impossible to address the roots of the real estate issue in Syria so long as the Syrian regime remains in power since it is the main reason behind these complications. Indeed, a political transition will be the first step towards resolving the real estate issue in Syria.
- The donor states, investors, and humanitarian agencies operating in Syria need to cease their direction of funds to the Syrian regime through reconstruction programs, and to introduce new mechanisms, so as to avoid those funds potentially being misused to violate the property rights of residents or the displaced, or so that these funds do not go to bodies that violate human rights and international humanitarian law.

Independent International Commission of Inquiry on the Syrian Arab Republic

- Document the vast extent to which the laws introduced by the Syrian regime violate international human rights law, and condemn all pillages and thefts that were carried out on the basis of those laws.
- Issue a report documenting the areas and lands that were looted and taken over by the Syrian regime and its loyalists based on those laws, in order to restore the rights of those who have been wronged following the process of the political transition.

UN High Commissioner for Refugees

- Condemn the practices of the Syrian regime that involve widespread and systematic looting and taking control of the properties and the residential and agricultural lands owned by refugees and IDPs, and submit a report to the Security Council and the UN Special Envoy to Syria on this issue, since this is one of the main obstacles impeding the return of refugees.

UN Special Envoy to Syria

- Pay attention to the issue of the systematic looting of the properties and lands of the displaced and political dissidents and its destructive effect of the political process.

Syrian regime

- Cease the use of the People's Assembly of Syria to issue laws that violate the constitution and international human rights law with regard to properties.
- Repeal all the unjust laws that have been promulgated and that violate the rights of the lands and ownership in Syria in the eras of both Hafez Assad and Bashar Assad and return lands and properties to their rightful owners.
- Compensate the owners of properties and lands for all the years during which their lands and properties were taken away from them. Those violations, which date back to 1970, are estimated in the hundreds of billions of dollars because they have been targeting hundreds of thousands of Syrians before and after the popular uprising.

Allies of the Syrian regime, most importantly Russia

- Apply pressure on the Syrian regime to cease the seizures and lootings that threaten nearly 15 million Syrians and complicate the process of the return of refugees and the stability of Syria.
- Russia's failure to condemn the laws promulgated by the Syrian regime to take over lands and properties makes Russia a partner in protecting the Syrian regime and in its practices and seizures of the properties and lands of the Syrian people.



www.snhr.org - info@snhr.org